

923

Very unusually written

International Military Tribunal
Far East

The United States of America and Others,
versus
ARAKI Sadao and Others.

Affidavit

I am MATSUMURA Tomokatsu, formerly Major-General of the Japanese Army, and was born in the 32nd year of Meiji /1899/. I state here as follows:-

I served in the Japanese Army General Staff Office in various capacities in and after the 4th year of SHOWA /1929/. In October of the 16th year of SHOWA /1941/, I became chief of the 5th section (Soviet Russian Intelligence) of the 2nd dept. (Intelligence) in the Army General Staff Office. In August of 18th year of SHOWA /1943/, I was transferred from that post to that of the chief of the 1st section (operations) of the Kwantung Army Headquarters. In March of 20th year of SHOWA /1945/ I was appointed Vice-Chief of Staff, Kwantung Army, remaining in that post until the surrender.

I testify as follows the facts I knew in relation to my duties during the period mentioned above:-

1) Having arrived at the Headquarters of the Kwantung Army in the 18th year of SHOWA /1943/, I, as the Chief of the Strategy Section, was first of all informed of the operations plan kept by the Headquarters. At this time I was informed of the directives of the Army General Staff concerning the operations plan against Soviet Russia for the 17th year of SHOWA /1942/ and the operations plan itself of the Kwantung Army Headquarters based upon the said directives.

The directives of the Army General Staff instructed the Kwantung Army Headquarters to form an operations plan against Soviet Russia with the occupation of the Maritime Provinces of Soviet Russia and the destruction of the air-bases in the Maritime Province as the general objectives, and also to focus the principal attack upon Voroshilov. It was also written in the directives that the Kwantung Army should make preparations for further operations after occupation of the Maritime Provinces.

The operations plan made by the Kwantung Army Headquarters according to the above directives in 17th year of SHOWA /1942/ contained the following items: -

*Quarter General
Staff Major*

17. 21

Staff

note

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- 1) The general tasks of the Kwantung Army.
- 2) Distribution of military strength.
- 3) The tasks of the different fronts and armies.

The tasks as set forth in the afore-mentioned directive of the Army General Staff were indicated as the general tasks of the Kwantung Army.

In the item of the distribution of military strength, it was planned that the First Front, the Second Front and the Sixth Army should participate in the operation against Soviet Russia. The First Front comprised 4 armies (the 2nd, 3rd, 20th, 5th Army), consisting of 15 infantry divisions, and 2 tank divisions. Furthermore, besides the First Front Armies, one independent infantry division was stationed at CHIAMUSU in order to protect the left wing of the First Area Army.

The Second Front was planned to comprise two Armies (the Fourth Army and a certain other Army) consisting of seven divisions: and the Sixth Army consisting of four divisions. Besides these there were three infantry divisions as the general reserve of the Kwantung Army and the Second Air Force Army consisting of four air divisions were under direct control of the Kwantung Army.

In the item concerning the tasks of the different fronts and armies, the task of the First Front was indicated as follows: that the Second Army should attack from CHIENIAO Area toward the Southern USSURI Area; that the Third Army should attack from TUNGNING Area toward VOROSHILOV; that the Twentieth Army should attack from the area to the west of Lake Khanka toward VOROSHILOV; and that the Fifth Army should attack from HUTOW Area toward IPAN Area and thereby cut off the enemy's communications extending from south to north and later have one part of the force cover the north and have another part advance southward to facilitate the attack of the main force on VOROSHILOV. Although it is not expressly indicated in the plan, it can be presumed that the occupation of VLADIVOSTOK was to follow that of VOROSHILOV.

The tasks of the Second Front were indicated as follows: that the Fourth Army and a certain other Army should be stationed in the SUN-WU and HEI-HO Areas respectively, where they were to check the Soviet Army in the ALUR River Area.

We used to deliver intelligence to the 16th Section
(in charge of German affairs about once a month.

The above was written by my own hand and the contents
are true.

(Signed)

MATSUMURA, Tomokatsu

Sworn and subscribed to before the
undersigned officer by the above-named
MATSUMURA, Tomokatsu, at the Soviet Embassy
Building, Tokyo, Japan, this day 27th of
September, 1946.

/signed/ Roland J. Schwartz
Roland J. Schwartz Captain T.C.
Summary Courts Martial

C E R T I F I C A T E

I, 2d Lt. John D. Hattori, hereby certify that I
am fully conversant with the Japanese and English languages,
and that this day, the said Matsumura, Tomokatsu, was duly
sworn in my presence and signed said Affidavit under oath
in my presence; and that all proceedings incidental to
the administration of said oath and the signing of said
affidavit were truly and correctly translated from Japanese
into English and English into Japanese and fully under-
stood and comprehended by said Affiant.

Dated this 27th day of September, 1946, at
Tokyo, Japan.

/signed/ John D. Hattori
JOHN D. HATTORI
2d Lt. Central
Interrogation Section.

The task of the Sixth Army was to stand on the defensive in the HSINGAN mountain-range against the Soviet Army from ZABAIKALYE and cover the offensive operation of the First Front.

The operations plan against Soviet Russia for SHOWA 17 /1942/ was signed by General UMEZU, Commander of the Kwantung Army, Lieutenant-General KASAHARA, Chief of Staff, and Colonel TANURA, Chief of the Operations Section.

It was not clear to me whether a war against the Soviet Union would be carried on. I know only of matters related to operations. Matters concerning the political aims of war against Soviet Russia were under the authority of the government, and I know nothing about them. As for the operations plan against Soviet Russia for SHOWA 18 /1943/ the Army General Staff gave us no new directives whatever. Therefore, according to the general practice in the Army, the plan for SHOWA 17 /1942/ was followed in SHOWA 18 /1943/ as well.

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of Govt...*

*Keigel "Country"
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no aggressive plans"*

Immediately after my assumption of office in October 1941 as Chief of the 5th Section (Soviet-relations) of the 2nd Department, Lieutenant General OKAMOTO, Seifuku, the Chief of the 2nd department, gave me an order in his office to deliver the intelligence relating to the Soviet Union collected by the 5th Section to the 16th Section (GERMAN RELATIONS) of the 2nd Department. On this occasion, Lt.-General OKAMOTO explained to me that the intelligence was wanted by KRETSCHMAR, German military attache. Thenceforth, in accordance with the orders given by Lt.-General OKAMOTO, Seifuku, Chief of the 2nd Department, and his successor Lt.-General ARISUE, Seizo, I systematically forwarded to the 16th Section (GERMAN RELATIONS) for Colonel KRETSCHNER the intelligence regarding Soviet military forces, their disposition in the Far East, war potential of the Soviet Union, movement of Soviet divisions to the west from the Far East, internal movements of Soviet strength, and reconstruction of the withdrawn Soviet industries. These intelligences were based upon materials reported to the General Staff Office from Japanese military attaches in MOSCOW and various other intelligence sources. They were arranged by officers of my section and after my examination were delivered directly to the 16th Section. Sometimes important ones were delivered to the 16th Section after I had examined them and after Chief of the 2nd Department had gone over them.

16

A 1945 - was a defense plan - retreat from SE Border of Manchuria for purpose of saving on hold. op.

Q "was not the quality of the newly recruited troops inferior to earlier troops" A "yes"

In words of Soviet Court I Request that
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directed by court to serve purposes of defense.

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Their testimony request for trial. Pleading on Soviet Court
as witness under present view of the tribunal

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- He is held by him without - at order of the court - at the in
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Bombardment (Innocent)
In

Dated this 27th day of September, 1946, at
Tokyo, Japan.

JOHN D. HATTORI
25 1st Central
Investigation Section

1731

Witness Interrogation Affidavit

At Khabarovsk

March 28, 1946

I, Col. of Justice Ivanof, Assistant Prosecutor for the USSR at the International Military Tribunal, Tokyo, interrogated through the interpreter officer, Lt. Petrof, the following person as a witness, having previously warned him of the responsibility he should take upon himself in case of false statements, according to Article 95 of the Criminal Law of the U.S.S.R.

1. Name: Kazuma OTSUBO
2. Age: 51
3. Official Position: Chief of Staff of the Third front of the Kwantung Army
4. Political Affiliations: None
5. Present Location: Khabarovsk

A certificate concerning the responsibility of the witness for false statement and also the interpreter-officer's for false interpretation are attached to this affidavit.

Kazuma OTSUBO

Q. From when have you been in the service of the Japanese Army? What kind of military education have you received? In what position have you served?

A. I entered the active service in 1918. I graduated from the Military Academy in the same year, and from the Army Staff College in 1930. Then I became a Company Commander of the Third Mountain Artillery Regiment. From 1931 to 1936, I served in the Military Affairs Section of the War Ministry and from 1936 to 1937, in the Field Artillery School as an instructor in tactics. In 1937, I was transferred to the Artillery Section of the Department of Military Education. From 1937 to 1939, I served as a staff-officer of the Middle China Expeditionary Army, and from 1939 to 1940, I served again in the Artillery Section of the Department of Military Education. From 1941 to 1942, I became commander of an artillery regiment in North China. From 1941 to 1942, I served in the Artillery Section of the Department of Military Education. From 1943 to 1945, I was Chief of the Heavy Artillery School. In 1945, I became Chief of Staff of the Third front, the post of which I held as my last duty in the Army.

- Q. From when and to what time have you been in service in Manchuria?
- A. From March to August, 1945, until I was interned by the Soviet Army.
- Q. Have you never been in service in Manchuria before that?
- A. I was the Chief of Staff of the 23rd Division under the command of the Sixth Army, Hailar, for eleven months in 1942-43. The then Commanders of the Sixth Army were Lt.-Gens. KITA and ISHIGURO.
- Q. When and where was the Second front Headquarters established?
- A. In 1942, at Chichihaerh.
- Q. Of what armies did the Second front consist?
- A. It consisted of the 4th and the Sixth armies.
- Q. In what directions were these Armies?
- A. The 4th Army stationed in the direction of Blagoveshchensk and 6th Army stationed in the direction of Bozzia-Danria.
- Q. When were the First front Headquarters established in Manchuria?
- A. The First front Headquarters were established at the same time with those of the Second front, in May or June, 1942.
- Q. For what reason were these two fronts composed in Manchuria in 1942? The Japanese were preparing war against Soviet, weren't they?
- A. I heard that, as the military strength of the Kwantung Army had been increased owing to the realization of the "Kan-Toku-En" plan, fronts were newly organized in order to make the commandship easy, and the Kwantung Army Headquarters took the command of these fronts.
- Q. How much was the military strength of the Kwantung Army in 1942?
- A. The Kwantung Army had the military forces of about fifteen divisions.
- Q. Were there any other army formations, for example, brigades or general reservists corps, etc.?
- A. There were, besides eight Frontier-Guards detachments the front in which I served had three Frontier-Guards detachments, but there were eight in all in the Kwantung Army. There were no brigades at the time of "Kan-Toku-En", but just before the war was opened, the Frontier-Guards were reorganized into brigades and thus ten brigades were formed.

- Q. When and from whom did you hear about the "Kan-Toku-En" plan?
- A. In July, 1941, when I was in service of the Artillery section of the Department of Military Education. I saw the name of the plan on the documents which were sent to there from the War Ministry.
- Q. What measures was the Department of Military Education compelled to take by the plan of the "Kan-Toku-En"?
- A. The special purpose of the "Kan-Toku-En" plan was the speedy training of troops for the emergency of war. It was difficult to practice the training in the Japanese homeland.
- Q. Were these the troops prepared for the war against Soviet according to the plan of the "Kan-Toku-En" in 1941-42?
- A. These were the troops to be used, for example, in the wars against Soviet, the United States, or Britain, according to the changes in international situation.
- Q. Against what country was Manchuria a basis for war?
- A. Manchuria was the basis for war against Soviet and China. It was important for war against U.S. too.
- Q. Was it prearranged, in the "Kan-Toku-En" plan, to complete the construction of railways as well as of warehouses necessary for the supply of munitions and foods to the Kwantung Army?
- A. Though I don't know much about the "Kan-Toku-En" plan, I think such matters were prearranged. As the measures prearranged in the plan were kept in secrecy, I don't know them exactly.
- Q. Was the designation, "Kan-Toku-En", a cipher for the measure for the increase and strengthening of the Kwantung Army?
- A. The meaning of this designation is the special manoeuvre of the Kwantung Army. The men who were sent to Manchuria from home in 1941, according to this plan, were told that they were going to have a special manoeuvre.
- Q. Then, were the concentration and the strategic deployment of military forces in Manchuria kept in secrecy even to the Japanese enlisted men transported to Manchuria?
- A. The increase of the Kwantung Army was secret to the enlisted men.
- Q. How much was the Kwantung Army increased by the "Kan-Toku-En" plan?

- A. In 1941, the military formations of the Kwantung Army were put into the wartime organization, the deployment of the troops was a strategic one. The increased strength was some 300,000 men and the total numbered about 600,000.
- Q. Was each division of the Kwantung Army mainly arranged to the quarters in strategic directions most important in the war against Soviet?
- A. Yes, all divisions were stationed at the places mainly strategic important in the war against Soviet.
- Q. Can you come to the conclusion that the commander-in-chief of the Japanese Army made the strategic deployment of the Kwantung Army in 1941, for the war against Soviet?
- A. Yes; according to my private opinion, this strategic deployment was made for the war against Soviet.
- Q. Were the Headquarters of the First and the Second fronts established in conjunction with these circumstances?
- A. Yes; I think the Headquarters of the First and the Second fronts of the Kwantung Army in Manchuria were organized in connection with the strategic deployment of the troops.
- Q. Where was the "Kan-Toku-En" plan made?
- A. In the Japanese Army General Staff.
- Q. Who was the Chief of the Japanese Army General Staff at the time of the making of the "Kan-Toku-En" plan?
- A. The Chief of the Army General Staff was Gen. SUGIYAMA. The Chief of the Army General Staffs Military Operations Department was Major-Gen. TANAKA Shinichi. The War Minister of the Kono Cabinet, the then Cabinet, was General TOJO.
- Q. Was there, at that time, any agreement that Japan should enter the War on the side of Germany and Italy?
- A. I have heard of the military alliance among Japan, Germany and Italy, but I don't know the substance.
- Q. Was the Anti-Comintern Pact which was concluded among Japan, Germany and Italy in 1936 an anti-Soviet pact?
- A. I think it was anti-Soviet.
- Q. When were the Third front Headquarters established?

- A. The Third front Headquarters were organized in September, 1943, at ChiChihar, in place of the Second front which had gone to the South.
- Q. Did the Armies and Divisions of the Second front remain in Manchuria?
- A. All the Armies and Divisions of the former Second front remained in Manchuria in 1943, and came under the command of the Third front staff
- Q. From where did the orders about the organization of the First, Second and Third fronts come? From the Army General Staff Office or the War Ministry?
- A. According to my opinion, it came from the Army General Staff.
- Q. Who made the replenishment? Was it the Army General Staff or the War Ministry?
- A. The replenishment plan was made by the Army General Staff. The War Ministry guided its practice.
- Q. Was it the War Ministry that put the "Kan-Toku-En" plan made by the Army General Staff into operation?
- A. I think so.
- Q. What do you know about the surprise attack plans made by the Japanese Army against Soviet in 1942 and 1943?
- A. At the first stage of the war against Soviet, the First front was to attack and occupy the Soviet Maritime Province. The Fourth Army of the Second front, by engaging in the diversional movement in the Blagoveshchensk District, was to cut off the Trans-Siberia Main Line, give a blow to this supply line, and facilitate the action of the First front which was in charge of the most important duty. The duty of the Sixth Army was to hold the Red Army from invading into Manchuria from Zabaikalye and engage in the defensive action.
- Q. Were these plans of the Kwantung Army offensive plans?
- A. Yes, in the eastern district, the plans of operations against Soviet were offensive.
- Q. Were these plans effective till the spring of 1944?
- A. Yes, these plans were effective till the spring of 1944.
- Q. What was the plan of hostile operations against Soviet made by the Sixth Army and the Second front in 1942 and 1943?

- A. In August, 1943, a conference concerning the military operations against the U.S.S.R. was held at the Headquarters of the 6th Army, Hailar. At that time, I attended the conference as the Chief of Staff of the 23rd Division. The chairman of the conference was Maj.-General IGETA, the then Chief of Staff of the 6th Army.
- Q. Were you the only person attended the conference as the divisional Chief of Staff?
- A. Yes, I was the only person.
- Q. For what reason?
- A. At that time, there was only one division in the 6th Army. Besides that, there were frontier-guards detachments.
- Q. Speak more minutely about the conference.
- A. As the Kwantung Army was to take the offensive in the areas of the Maritime Province during the first step of the war against the U.S.S.R. the 6th Army was to go on the defensive in its area. Therefore, through the first two days of the conference, the plan of defence in the area of the 6th Army was discussed. It was the scheme of the commander that we were to fight to death against the enemy in the Zabaikalye Area until new divisions would arrive to the Second front. On the third day of the conference, the offensive operation was studied. The operation was to be executed by the Front and the Army, reinforced by new formations. In this occasion, the 2nd front was to attack in the direction of Chita. The commander's plan was, after concentrating the main body in the area of Hailar, to make an attack from the southern district of Lake Dalainoor by an encirclement movement, behind the right wing of the Zabaikalye front and advance to Borzia Area, destroying the enemy forces and cutting off their retreat.
- Q. Were there sufficient military forces in the Area Army for attaining the purpose of operations in 1942-43?
- A. At least twenty divisions were required in order to achieve the objective of attack in the area of Chita. However, our strength in this area was sufficient just to make a strong resistance. Therefore in order to attack, reinforcement of between fifteen and twenty divisions from other areas was necessary. The regrouping of the Kwantung Army could be done only after the occupation of the Soviet Maritime Province and the accomplishment of the initial stage of war.

I wish that the map drawn by me showing the defensive operations of the 6th Army, belonging to the second front, at the first stage of the war against Soviet in 1943 and also the map showing the offensive operations of the Second front at the second stage of the war against Soviet, after the occupation of the Maritime Province was attained successfully, and the military forces of between ten and twenty divisions were transferred to the direction of Chita, were attached to this brief interrogation affidavit.

- Q. When did Lieut.-Gen. KITA command the 6th Army?
- A. I do not remember exactly, but I think he commanded the Army from 1941 to 1942. It was Lieut.-Gen. ISHIGURO who succeeded Lieut.-Gen. KITA.
- Q. What was the plan of operations of the 3rd front when you were the Chief of Staff of that front in 1945?
- A. In 1945, the duty of the 3rd front was to interrupt the advance of the Soviet Army in the vicinity of Chaonan, Wuchakow, and Tungliao in Manchuria. According to the plan of operations in 1945, the main forces of the third front should take up positions in the districts of Mukden, Ssuningchieh, and Hsinking, and if the enemies would come to attack, should destroy them in these districts.

The fundamental principles of the plan of operations for the war against Soviet in 1945 were as follows:

1. In case the main forces of the Soviet Army would attack the 44th Army in the vicinity of Mukden, the Japanese Army was to give a blow to the enemy's left wing with the largest possible military strength. For this purpose, the 30th Army from the Hsinking district and the 39th Division and the 9th Tank Brigade from the Ssuningchieh district were to attack the Red Armies with the purpose of annihilating them in short time.
2. In case the enemy would attack the 30th Army in Hsinking with its main forces, the blow to the enemy's wing was to be dealt by the 44th Army, the 39th Division and the 9th Tank Brigade.
3. In case the main forces of the Soviet Army would attack Ssuningchieh, the Japanese Army was to give an enveloping attack to both wings of the enemy. In this case, by the attack of the 30th Army from Hsinking and that of the 44th Army from Mukden, we should promptly annihilate the Soviet troops in the battlefield in short time.
4. If we could drive back the Red Army units in the district of the Dairen-Hsinking Railway Line, the Japanese Army was to attempt with one part of its military forces, to pursue the enemy promptly along the Harbin-Hailar Railway, to attack along the Chaonan-Khalonarsan Railway with its main forces, then to advance through Choi Colsan to the vicinity of Olovyamaya and Karymskaya in the Soviet territory, and to destroy the enemy by interrupting the enemy's retreat.
5. If we should be driven back by the confronting enemy, the Third front was to retreat, with its main forces to the vicinity of the line of Liuho, Hsinking and Huanchshen, to prevent the enemy's advance and form a plan for holding out with the utmost effort.

- Q. Who was the Inspector-General of Military Education of the Japanese Army in 1941?
- A. General YAMADA.
- Q. Under whose command was Gen. YAMADA as the Inspector-general of Military Education?
- A. He was under direct control of H.I.M. the Emperor.
- Q. Did he have the same power as the War Minister and the Chief of the General Staff?
- A. Yes, he had the same power and occupied the same leading position in the army as they did.
- Q. What was the duty of the Inspector-general of Military Education?
- A. The principle duty of the Inspector-general of Military Education was the guidance and supervision of the Japanese military education. The Inspector-general issued orders concerning the military education, and the Army Infantry School, the Army Artillery School and the Military Academy, etc., were under his control. The Army Paymaster's School and the Military Medical College were under the command of the War Minister, while the Army Staff College was under th at of the Chief of the General Staff.
- Q. What measures did Gen. YAMADA take as the Inspector-general of Military Education according to the "Kan-Toku-En" plan?
- A. Gen. YAMADA assumed leadership only in the military education of ordinary times. The education and guidance of the Kwantung Army according to the "Kan-Toku-En" plan, which was the plan of the front line, was made directly by the Chief of the General Staff. Accordingly, Gen. YAMADA supplied the Army General Staff only with the materials regarding education.
- Q. What propositions did Gen. YAMADA make concerning the education of the Kwantung Army units?
- A. Gen. YAMADA furnished only the materials necessary for the short course education to the Chief of the General Staff. The Inspector-general of Military Education assumed leadership in the military education of the units of peace organization footing. The units in Manchuria were educated as the units on a war footing, and accordingly, the guidance of education of the Kwantung Army in 1941 was made by the Army General Staff.
- Q. Concretely speaking, what materials did Gen. YAMADA offer?

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- Q. Concretely speaking, what materials did Gen. YAMADA offer?

- A. They were the general materials for education.
- Q. How were the recruited men which, as you said before, were increased by about 300,000 in the Kwantung Army in 1941 organized?
- A. In 1941, the levy concerning the "Kan-Toku-En" plan was made in the homeland of Japan, and the recruited men were transported from Japan to Manchuria.
- Q. This levy was made during June and July, 1941. Was it a secret mobilization?
- A. At that time, it was a secret mobilization under the name of an educational levy.
- Q. Were the men mobilized and ordered to serve in the Kwantung Army those who had undergone military education or had they been in military service?
- A. Most of them were those who had undergone military education and had been in military service.
- Q. What order did General YAMADA issue concerning the training of the special attack corps (the death band)?
- A. Gen. YAMADA did not issue any order concerning the special attack corps (the death band). I think nobody gave any special order concerning them. Sometimes wartime death bands were organized, but these units did not receive any special training.
- Q. In what way were the Japanese soldiers trained for the purpose of war of aggression? What order did Gen. YAMADA give when he was the Inspector-general of Military Education?
- A. The fundamental object of education lies in training soldiers so that they can engage in any war without thinking of the characteristic of that war. The materials for spiritual education were prepared by a special section in the Department of Military Education. This section distributed to the troops the pamphlets in which behaviours of model soldiers were written.
- Q. Was it Gen. YAMADA who instructed the fundamental principles of education of officers, non-commissioned officers and enlisted men?
- A. Yes, Gen. YAMADA instructed the fundamental principles of military education as the Inspector General of Military Education. He often instructed about the spiritual education, too. But as regards the education of the units on a war footing, Gen. YAMADA, as the Chief of Military Education, sent to the Army General Staff only the materials.

- Q. What were the fundamental principles of spiritual education of soldiers concerning the war against China, the U.S. and the U.S.S.R.?
- A. Political education was not conducted, but spiritual education was given, in which soldiers were taught that they should obey orders of superior officers and that they should become model soldiers.
- Q. What propaganda was made regarding the right of Japan to take over China?
- A. Towards China, it was propagated that this war had been waged for the purpose of constructing a new order in the Greater East Asia.
- Q. Who had suggested such an education?
- A. The fundamental principles of such education were instructed by the War Minister.
- Q. Who, among the War Ministers, had issued orders of such spiritual education that Japan should be the ruler of the Greater East Asia?
- A. War Minister TOJO spoke about these affairs at the assembly of Chiefs of Staffs in about 1941 and 1942.
- Q. Who, among Japanese statesmen and soldiers, had propagated the war against Soviet?
- A. I think General TANAKA, who had become the Vice-chief of the General Staff. The War Minister and the Premier, etc., had such thought. Lieut.-General MURAOKA, who was the Commander-in-Chief of the Kwantung Army just before the Manchurian Incident had such thought that Japan must solve her population problem by seizing the natural resources in Manchuria.

By my signature, I hereby certify that the above answers are of my own writing.

Kazuma OTSUBO

Interrogator: Col. of Justice, Assistant Prosecutor for the USSR at the International Military Tribunal, Tokyo.

Ivanof.

Interpreter-Officer:

Lt. Petrof.

The Witness:

Maj.Gen. Kazuma OTSUBO

Col. of Justice, Assistant Prosecutor for the U.S.S.R. at the International Military Tribunal, Tokyo, Ivanof.

Interpreter-officer:

Lt. Petrof.

Secretary-stenographer

In this document, rewritings, insertions, and erasures are made as follows:

1. page 3. The word "army" is inserted in two places.
2. page 6. Four letters of a Japanese word for English "mainly" are inserted.
3. page 7. Two letters of a Japanese word for English "yes" are inserted.
4. page 18. Two letters of a Japanese word for English "spirit" are inserted.
5. page 20. One letter of a Japanese word for English "house" is rewritten.

The Witness:

Maj. Gen. Kazuma OTSUBO

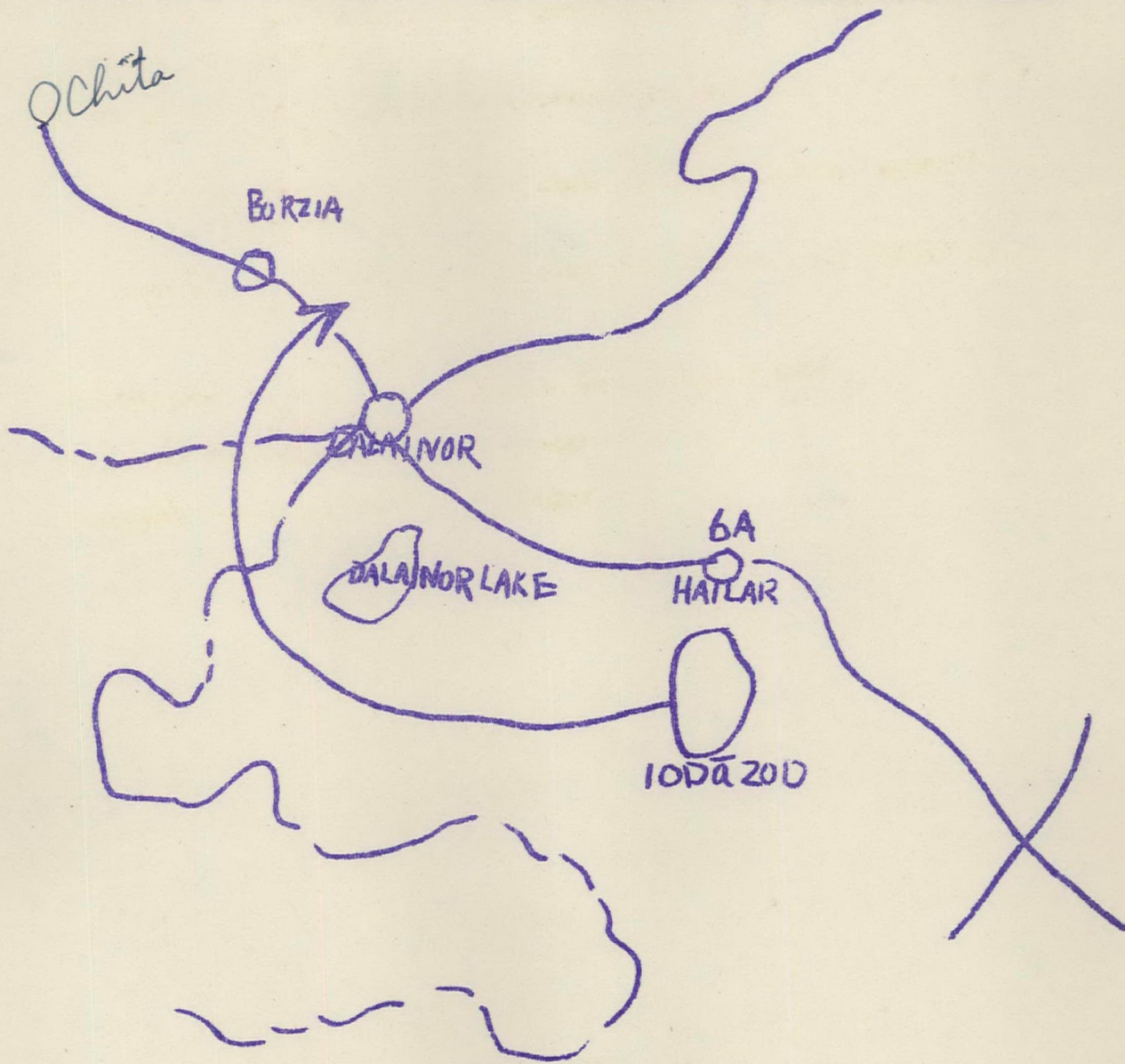
Assistant Prosecutor:

Ivanof

Interpreter-officer:

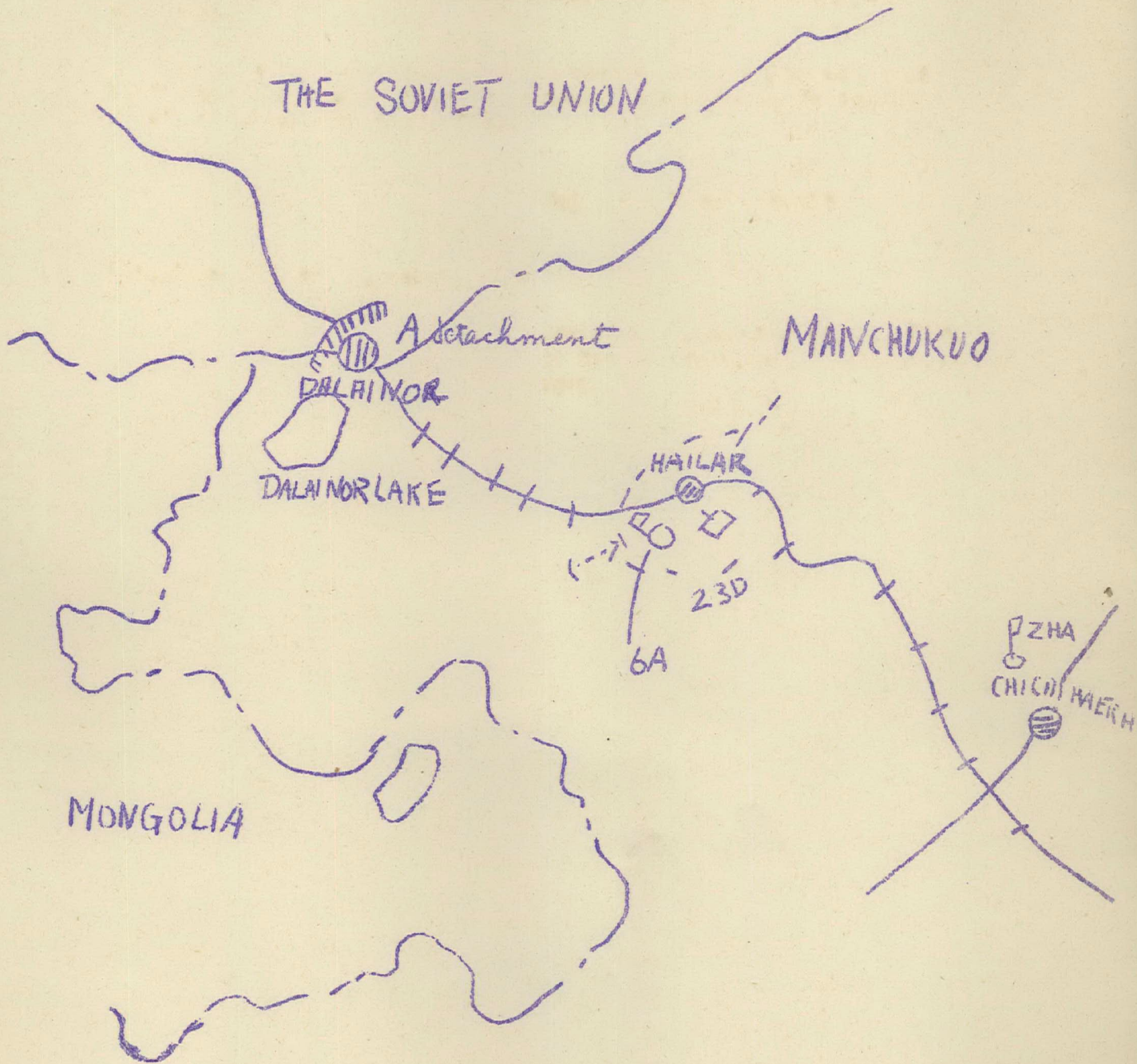
Petrof.

Map showing the offensive operations of the Second front at the second stage of the war against Soviet, after the occupation of the Maritime Province was attained successfully, and the military forces of between ten and twenty divisions were transferred to the direction of Chita.



Maj. Gen. Kazuma Otsubo, Chief of Staff of the Third Area Army
(March 28, 1946)

Map showing the defensive operations of the 6th Army, belonging to the Second front, at the first stage of the war against Soviet in 1943.



Acknowledgment

Date & Place

I, the undersigned, Maj. Gen. Kazuma OTSUBO, Chief of Staff of the Third front, delivered this acknowledgement to Col. of Justice Ivanof, Assistant Prosecutor for the USSR at the International Military Tribunal, Tokyo, after having sworn that I, as a witness, would make only true statement concerning major war criminals.

I was previously warned of the responsibility I should take upon myself in case of false statements, according to Article 95 of the criminal law of the USSR.

Maj. Gen. Kazuma OTSUBO

Recipient of this acknowledgement

Assistant Prosecutor for the USSR
at the International Military Tribunal
Tokyo
Ivanof.

Affidavit of a Witness

March 25, 1946 at Khabarovsk

I, Colonel IVANOV, Assistant Prosecutor for U.S.S.R. at the International Military Tribunal in Tokyo, interrogated the undermentioned person; through an interpreter 2nd Lt. PETROV, as a witness after warning him that he would be responsible under Art. No. 95 of the Criminal Code of the R.S.F.S.R. if he made any false statements.

1. Name: KISABA, Tatsumi
2. Age: born in 1888. 58 years
3. Official position: Ex-Commander of the Continental Railway
4. Political Party: nil
5. Present address: Khabarovsk

Attached certificate of the responsibility of a witness regarding false statement and also a certificate of the official interpreter regarding false interpretation with this interrogatory of a witness.

This interrogation has been made in the Japanese language through the interpretation of 2nd Lt. PETROV.

- p.3 Q. When, and by whom were you appointed to the Commander of the Continental Railway?
- A. At the date of December 16th, 1944, I was appointed the commander of the Continental Railway by His Majesty.
- Q. Have you ever participated in the Manchuria Railway?
- A. Yes, after the Manchurian Incident. I have participated in it as the head of the Sixth Section of the Third Division of the General Staff Office (the head of the Section of Railway), from the 6th year of Showa /1931/ to the 8th year of Showa /1933/. In the 6th year of Showa /1931/ the head of the Third Division was, Major-General OKI and in the 7th year of Showa /1932/ Major General OBATA.
- Q. When did you have relation to the leadership of the Manchurian Railways?
- A. From 10th year of Showa /1935/ to 12th year of Showa /1937/ I had connection with the leading of the South Manchurian Railway as an adviser attached to the South Manchurian Railway and belonging

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② Soldier
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Terms

to the staff of the KWANTUNG Army. And I took the charge of the connection between the KWANTUNG Army, the government of Manchuria and the head office of the South Manchurian Railway Company. At that time I took the position in the general Bureau of the South Manchurian Railway Company in Mukden. At that time the Commander of the KWANTUNG Army was General MINAMI Jiro, and the Chief of the staff of this army was Lieutenant-General NISHIO Juzo.

1908 to 1944

p. 4 Q From and to what time were you on active service?

A I was on active service from 1908 to 1944 and on December, 1st, 1944, I was ordered to go into reserve.

Q What kind of military education did you get?

A In 1915 I had graduated from the staff college.

Q From what year did you specialize in the railway relations?

A From 1916.

Q Before the Manchurian occupation, that is to say before 1931, has the government of Japan ever carried out the construction of strategic railways in Manchuria?

A. Yes, it has.

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Q Before the Manchurian occupation in 1931, had any strategic railways been constructed in Manchuria on Japanese funds?

p.5 A Yes, there was. The railway between Ssuninghai - Taonan - Angangchi was built in 1929, and its length was 500 kilometres long.

Q Where is the strategic point of this railway? Tell me.

A. This railway can transport promptly the Japanese forces staying on Manchurian Railway Main Line to the direction of Tsitsihar and cut off the East China Railway, and besides it is convenient to transport the troops in the direction of outer Mongolia via Solun from Taonan. In 1931, at the time of the Manchurian incident this railway was utilized for the transportation of the Japanese forces.

Q. Before 1931, was there any other railways built in Manchuria?

p. 6 A. In 1928, Changchun-Kirin-Tunkua Railway was built by the South Manchurian Railway Company. It was constructed as the first step of Kirin-Hweining Railway which is one of the Five Railways of Manchuria and Mongolia, and it is convenient for making the Japanese troops in Korea advance promptly in the direction of Khabin. At the time of the Manchurian incident this railway was utilized for transportation of Japanese forces.

Q. What are the Five Railways of Manchuria and Mongolia and their strategic meanings?

A. They are as follows:--
1. Ssupingkei-Taonan Railway
2. Taonan-Tsitsihar Railway
3. Kirin-Hweining Railway
4. Tsitsihar-Talai Railway
5. Chanchun-Talai

p. 7 Japan got the concession to lay these railways in the 21 Items Treaty of Japan against China in 1915. I already explained the strategic meanings of 1,2,3. Tsitsihar-Heiho Railway is convenient for carrying troops which could cut off Heilung Railway. Changchun-Talai Railway is convenient for making advance the Japanese troops in Korea promptly to the direction of Tsitsihar via the established Changchun-Kirin Railway and Kirin-Hweining Line.

Q. Before 1931 what railways were built besides them?

A. In 1929, Mukden-Hailung-Kirin Railway was completed by Chinese North-East government.

Q. Did it do good for Japan?

A. It brought the benefit to Japan from the strategic point of view. Japan utilized it for carrying her troops at the time of the Manchurian incident.

Q. Don't you think that the suggestion of constructing this railway was made by Japanese General Staff?

p. 8 A. I don't know whether Japanese General Staff participated in it or not, though it was a benefit to Japan. In 1926 Kinchou-Pitzuro Railway was built on Japanese private companies funds, but it has no strategic meaning. In 1930, Hulutao-Koupangtze-Tahuskan-Tungliao Railway was constructed

by Chinese North-East government, and the length of this railway is about 400 Kilometres and it had strategic importance for Japan after the Manchurian incident.

Q. What do you think of the reason why the activities of some Manchurian prominent men on the construction of this railway were in to the Japanese advantage?

A. At the time of the construction of the railway they were of anti-Japanese attitude.

Q. What did you hear of the TANAKA plan?

A. I have heard that TANAKA wanted to accomplish the Japanese continental advance policy, basing on Manchuria and Mongolia.

p. 9 Q. From whom have you heard of it?

A. I knew it through newspapers and from my friends.

Q. Did this plan intend to occupy Manchuria?

A. Yes, it did.

Q. During the term from 1927 to 1931 who of the Japanese politicians participated most actively in the strategic policy which was carried on in Manchuria?

A. The TANAKA cabinet. At the time of the TANAKA cabinet the special service agency were organized and set in Mukden.

Q. Is the intelligence service agency regarded to have been set for the preparation of the Manchurian occupation?

A. The special service agency was necessary for the collection of Manchurian information and for the observation of the schemes of Chinese North-East Government.

p.10 Q. What part did those railways which were constructed in Manchuria from 1927 to 1929 by Japan, perform at the time of Manchurian incident?

A. They performed an important part in transporting Japanese troops against Manchuria in the time of 1931.

Q. Who of the Japanese prominent persons do you think is responsible for these policies of Manchurian occupation

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Tanaka

A. General HONJO, Shigeru, the commander of the KWANTUNG Army at that time is responsible for the happening of Manchurian incident. At that time, his headquarters was in Luchun. Manchurian incident was operated following the plan made by HONJO, Shigeru.

Q. What kind of part did the commander of the Japanese Korean Army take and by whose direction was he put in motion?

p. 11 A. The commander of the Korean Army, General HAYASHI, Senjuro made the 20th Division cross the border on his own responsibility. The leading of the battle in the actual place was operated by Lieutenant General TAMON, Jiro, the commander of the Second Division under the KWANTUNG Army.

Q. Who was the Prime Minister at that time?

A. WAKATSUKI, Reijiro was Prime Minister of Foreign Affair was SHIBEMURA Kijuro, and the Minister of War was MINAMI Jiro and the Chief of the General Staff was KANAYA Hanzo.

Q. What attitude did they take towards the Manchurian incident?

A. They wanted the activities of Japanese troops to be limited only to the self-defence of railway lines. But both General MINAMI Jiro and the Chief of the General Staff KANAYA Hanzo wanted the Manchurian occupation.

Q. How can you know that MINAMI Jiro took the leading part regarding the Manchurian occupation?

p.12 A. He did not emphasize the stoppage of the Japanese forces' activities of hostilities. On the contrary he required the increase of forces in Manchuria and supported the advance of Japanese forces into various places in Manchuria.

Q. To whom did he emphasize?

A. He reported with the Chief of the general staff to His Majesty on the increase of Japanese troops against Manchuria and the spreading of the war zone.

Q. Could MINAMI, Jiro carry on that policy and complete the Manchurian occupation?

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A Since Manchuria was occupied practically, the plan of the War Minister was completely carried on. The Minister of War, MINAMI Jiro carried on this plan with the co-operation with KANAYA Hanzo.

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Q What sort of recognition could those people get from His Majesty as to the activities of Manchurian occupation and among them who received the gratitude and were decorated?

p. 13 A The Minister of War and the Chief of the General Staff received the gratitude from His Majesty and received the special favours of being decorated.

Q Tell me the activities and the parts ISHIHARA, Kanji, DOIHARA Kenji, and ITAGAKI Seishiro played in planning and carrying on the Manchurian occupation?

A ITAGAKI took the part of leading on the planning and carrying on the Manchurian occupation as a high staff officer. ISHIHARA took the part in drawing up operation orders as the head of the operation section and of leading the battle at the time of the outbreak of the Manchurian incident. DOIHARA co-operated with them in the construction of independent Manchuria as the head of the special service agency in Mukden.

Q Did the latter instigate this incident directly?

A I don't know well, but I suppose he might have been connected with this event directly as he was the head of the special service agency.

p.14 Q For what purpose was the Manchurian occupation carried out by Japan?

A Politically, its purpose was to obtain right for Japan of a leading monopolization in Manchuria.

Q Only in Manchuria?

A At that time it was only in Manchuria.

Q And after that time?

A After that, the idea occurred to them that it would be convenient to make an invasion into the territories of China and the U.S.S.R. through Manchuria as a strategic point.

Q Who agreed with this opinion?

p. 15 A TANAKA Giichi, ARAKI Sadao, TOJO Hideki, ITAGAKI Seishiro, MATSUOKA Yosuke, SUGAYAMA Gen, FAYASHI Senjuro, KONOE Fumimaro, OSFIMA, Fiyoshi, MINAMI Jiro, and many others, and their activities were concentrated in attacking the territories of the U.S.S.R., China, and the Republic of Outer Mongolia, and they also urged the occupation of the South Sea islands by Japanese forces. According to newspaper accounts and my friends' gossip ARAKI Sadao and UGAKI Issei made a plan to turn the Japan Sea as an inland sea of Japan, that is to say, they were planning to occupy the Maritime Province, which is the territory of the U.S.S.R. They also urged Japanese political predominance all over East Asia as positive policy. These people pointed out that the Ural Mountains would be the limit of Japanese predominance.

Q Have you met Mr. MATSUOKA?

A Yes, while I was an adviser of the South Manchurian Railway Company, he was the President of the company. This was from 1936 to 1937.

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p. 16 Q What ideas does MATSUOKA hold in regard to the occupation of territory in the U.S.S.R.?

A Mr. MATSUOKA often used to sing: 'Let the flag of Rising Sun wave over the Ural Mountains' at the banquets he attended. I also have been present at banquets given by the South Manchurian Railway Company.

Q What railway was constructed in Manchuria after the Manchurian occupation?

A In 1933 Kirin-Fweining line, in 1934 the Line from Rashin to Tumen to Mutankiang were built. Kirin-Fweining Line is convenient to carry the Japanese forces who are to be sent from the interior of Japan to continent, to the direction of Harbin promptly. And RASFIN-Tumen-Mutankiang Line is convenient to transport the forces promptly to the border of the U.S.S.R. and Manchuria. Since the military utilization of the established railways were paid the great attention and from about 1936 the whole attention was paid to the construction of the strategic railway.

p. 17 Q Haven't the railway towards the shore of Amur River established in 1936 any direct strategic meaning?

A At the time of the Manchurian incident, the construction of railways were chiefly carried out in the middle Manchurian zone, and after there, in the North and east Manchurian zone. For example, Mutankiang-Linkou Futou Line--this railway has the important strategic meaning. The plan of this railway was made before 1934. In 1932-1933 the Lafa-Harbin-Peian-Heihe Line, and the Peian-Tsitsihar Line--these railways are convenient to carry promptly the forces to the north, so that they have the important strategic meaning. The Paichientzu-Solun-Halonarshan Line was planned in 1933 and was built in four year. The strategic meaning of this railway is clear from the fact that lead to the border of Manchuria and Mongolia. The construction of the Changchun-Paichientzu line was began in 1933 and the construction of the Linkou-Chiamussu-Suihua line in 1935 and in the same year, the Suiyang-Tungning-Wangching line was also begun to be constructed. The latter railway pointed out to the direction of Vovoshilov, and has the important strategic meaning. The direction of Vovoshilov is the direction of the important point of attacking. In 1939 and 1940, the Hsiachientzu-Lishuchen-Chining-Mishan Line was constructed. It has a great strategic meaning as the connecting line of the railway for Vovoshilov and the railway for Iman. In 1941 the Tangpichen branch line from Tungan to Turi-kog was constructed. In 1940, the Hunchun-Tumentzu line was constructed. This railway has a great strategic meaning as it points out the direction of Barabash and Vladivostok. Those above mentioned railways were all constructed till 1941. In 1943, railways for Blagevshchensk were constructed.

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p. 19

From 1935 to 1940 three main lines from Korea to Manchuria were constructed. One is the Kanko Sei-sin Tumen-Mutankiang-Linkou-Tungan line and other is the Heijo-Kanko-Manpuchen-Tunghua-Ssuping kai line and the rest is the established Fushan-Antung-Mukden line.

Those three main lines were convenient to carry promptly the forces for any way in Manchuria from south Korea. If one of them became useless, it does not effect to the others and can change the forces into other lines, and the most valuable line which could carry on this changing is the Heijo-Genzan Line.

- Q Were the Manchurian railways, which provide Japan with her military case in that country, based on the plans made by the General Staff Headquarters of the Japanese Army?
- p. 20 A Yes, they are based on the plans drawn up by Japanese General Staff.
- Q Were the plans of Japanese General Staff made by the Strategic Transportation Section?
- A The plans were conceived in the Operations Department, and their technical details were the responsibility of No. 3 Department. The Operations Department has neither the personnel nor materials necessary to draw up such plans, but only presented drafts to No. 3 Department, which then made practical plans and introduced them to the War Ministry as the opinion of the General Staff. The War Ministry negotiated with the Cabinet, and with their approval, passed the plan on to the Kwantung Army. The Kwantung Army made out a practical scheme on the spot and passed it on to the South Manchurian Railway Co., who put it into execution.
- Q Do you think the network of railways in Manchuria was sufficient for the attack on the U.S.S.R. in 1941?
- p. 21 A Yes, it was, especially the dense strategic network at the eastern front. The railway could secure the force in the central part of Manchuria and it was possible to transfer it quickly and whenever it was necessary, to places in trouble in the front area of Manchuria and the U.S.S.R. And we were able to transfer the forces from one place to another promptly by this network in time of war.
- Q Was it at the request of the Operations Department of the General Staff?
- A Yes, it was at the request of the Operations Department in the General Staff.
- Q What kinds of Operations Plan against the U.S.S.R. were made by the General Staff and the Staff of the Kwantung Army before 1941?

A The General Staff and the Staff of the Kwantung Army carried out all the preparations of war against the U.S.S.R. and had the plans of war.

Q Were they offensive plans?

A Yes, they were.

p. 22 Q Tell me what you know about the "Ken-Toku-En" plan.

A It provided for the increase of our military strength in Manchuria in connection with the outbreak of the Russo-German War in 1941, and by this plan some three hundred thousand forie were transfered to Manchuria. The "Ken-Toku-En" plan was only the name to camouflage our plan of operations against the U.S.S.R.

Q What was the order which had relation to the construction of railway based on the "Ken-Toku-En" plan?

A I don't know, but I think there was no order concerning the construction of railway.

Q So was it the approval of the completion of the preparation against the U.S.S.R. concerning the construction of the railway that caused the plan?

A Yes, it was.

Q How many kilometres long were the Manchurian Railways in 1931?

p. 23 A They were 4,450 kilometers at that time.

Q And in 1941?

A They were about 11,000 kilometers long.

Q What field of operation had the sufficient network for the war against the U.S.S.R.?

A The strategic network in the field of operations in the Maritime Province was sufficient for the operation against the U.S.S.R.

Q How many lines led to the Maritime Provinces border of the U.S.S.R.?

A There are eight lines, which start from Yuki (Korea), Tsumeutzu, Suifeuko, Tungon, Panchei ho, Futow and Tan Pichen. As the Fsia Chientzu-Michen-Futow line runs along the borders, the forces can detrain at any place where operations are required.

Q How about the lines for Blagoveshchensk and Zabaikalye?

p. 24 A There are two lines to Blagoveshchensk, they are the Harbin-Peian-Heiho line, and the Chichihaerk-Nouni-Heihe line. As for Zabaikalye district we have also two lines, they are the old 'East China Line', and the Paichongtze-Haloruarsban-Handagai Line. These lines are suitable for carrying troops promptly for operation in the neighbourhood of Chita and the outer Mongolian Republics.

Q The witness knows that the railway must secure the transportation capacity of troops which were going to carry out operation in the Chita district, toward Chichihaerk district, foreseeing that the plan of the offensive operation against the U.S.S.R. must be changed as for the disposition of the troops after the attack of the Maritime district. Then did the network secure the transportation capacity of the troops which were necessary for the carrying out of the second stage operation against the U.S.S.R.?

p. 25 A Yes, the transportation of the troops might be done promptly. The condition of railway made the troops possible to concentrate promptly to Tsitsihar district from those districts in Manchuria and China, but advance towards the further westwards, that is to say, Hailaerk and Handagai, was late because of the condition of the railway. The imperfection of the railway in the western district was caused chiefly by the lying of the zone of Tshingan Mountains. If there is no such a cause the railway in this same district might have been developed more greatly.

Q How many days were necessary to transfer the No. 2 and 5 army from Maritime Province direction to Tsitsihar district?

A The number of divisions of the 2 and 5 Army is 10 divisions (about 400 trains are necessary to transport) and for the attached artillery divisions

and tank brigades and troops in rear (about 400 trains)--for these, 800 trains are necessary in all. And so the concentration near Tsitsihar would be accomplished for twenty days using the following lines mixed 40 trains a day.

LINE	Numbers of Trains in a day
Old East China line	20
The Futow-Tugen-Rinkou- Chiamassu-Suihua-Paian- Tsitsihar line	8
Tungning-Tumen-Kirin-Changchun- Paichengtzu line	12

Q Was the network completed to transport the forces which were decided by the plan of war against the U.S.S.R. to Manchuria promptly from North China just before or in the time of the war against the U.S.S.R.?

A For this transportation via the Tientsin-Chinhsien line, twenty trains a day and via the Peipin-Chengte-Yehpaishou-Ihsien-Hsinlitun-Tungliao line, 5 trains a day might be used and according to circumstances if necessary 6 trains a day from Peipin to Kalgan or its west can be used to the transportation of troops.

Q How many days it takes to transport 5 divisions to near Tsitsihar and the same divisions to near Chungchun from China?

p. 27 A To carry five divisions to Chungchun from North China via Tientsin-Chinhsien-Mukden line, about 200 trains are necessary, and to carry five divisions to near Tsitsihar via Tientsin-Chinhsien-Mukden-Ssupiengkai-Paichengtzu from North China, about 200 trains are necessary. So 400 trains are necessary in all. The above two lines transport capacity is twenty trains a day. Using the Peipin-Chengte-Yehpaishou-Ihsien-Hsinlitun-Tungliao-Chengchiatun-Paichengtzu-Tsitsihar line and the Chengchiatun-Ssupiengkai-Changchun line at the same time and using 5 trains a day, we can conclude to transport 400 transport trains for 16 days.

Q How many days does it take to transfer the main forces of the 2nd Army Group from Blagoveshchensk to near Tsitsihar?

- p. 28
- A It would take 15 days to transfer completely the main forces of the 2nd Army Group, that is five divisions (200 trains), and the attached artilleries, tank corps, correspondence corps and rear-guards and so on (100 trains), using totally 300 trains, that is 15 trains a day via Heiho-Peian-Tsitsihar line and Heiho-Peian-Harbin-Tsitsihar line, and 5 trains a day via Liishen-Shanshenfu-Huolungmen-Munkiang-Tsitsihar line at the same time, namely using 20 trains a day.
- Q Was there any railway construction going on during the period of 1941 to 45?
- A Yes, the work for doubling the tracks was in progress.
- Q What railways?
- A The work for doubling the tracks of those lines were carried out; the Harbin-Mutankiang-Suiyang line, Mutankiang-Linkou-Tunagn line, the Changchun-Harbin line, the Mukden-Antung line and the Mukden-Chinhsien-Shanhaikwan line.
- p. 29
- Q Was the Huolungmen-Heiho line constructed?
- A Yes, it was opened to traffic from Huo-lungmen to Liishen, in 1943.
- Q Was the said railway in concert with the plan of war against the U.S.S.R. in 1942 and 43?
- A Yes, I think the construction of the railway was carried out basing on the plan of war against the U.S.S.R. in 1942 and 43.
- Q From and to what time were you the commander of the Kwantung defending army?
- A From November 1941 to 26th December 1942. It was for one year and one month.
- Q How did you want to deploy the Kwantung defending army by the plan of operations in 1941 and 42?
- A The Kwantung defending Army took the part of the rear defence while the First Army Group and next the Second or Third Army Groups were delivering an attack against the U.S.S.R.

p. 30 Q From what time to what time were you the commander of the Fourth Army?

A It was from December 1942 to February 1944. It was for one year and two months.

Q To what Army Group was the Fourth Army attached?

A Till November 1943, it was attached to the Second Army Group and after that it was attached to the third Army Group. The headquarters of the Second Army Group (it was changed to the Third Army Group afterwards) was in Tsitsihar.

Q Who is the commander of the Second Army Group?

A The commander of the Second Army Group is General ANAMI Korechika, and the Chief of Staff is Major General WATANABE.

Q How was the Second Army Group organized?

A It was organized by the Fourth and Sixth armies.

Q Was there any time when the headquarters of three Army Groups, that is, the headquarters of the First, Second and Third Army Group, were in Manchuria at the same time? If there was, when?

p. 31 A No, there was no time when they were in Manchuria at the same time. When the headquarters of the Second Army Group was diverted to the south battle front, the Third Army Group was organized.

Q Who was the commander of the Third Army Group?

A The commander of the Third Army Group was General OKABE Naosaburo till August 1944, and after that it was General USHIROCKU Jun.

Q How was the organization and the position of the Fourth Army in the first half part of 1943?

A The headquarters of the Fourth Army was in Sunwu. On the First Division, its Commander was Lieutenant-General NAKAZAWA and its headquarters was in Sunwu. On the Fifty-seventh Division, its commander was Lieutenant-General UEMURA and its headquarters was in Shanshenfu. The headquarters of the First Artillery and the Artillery Intelligence Regiment were in Sunwu, the First Regiment of the Heavy Field Artillery was in Shenwutun, and the Independent Heavy Artillery Regiment was in Peian. The tank

p. 32

corps was in Sunwu. The headquarters of the second engineer was in Furalki. Frontier guard units were directly subordinate to the commander of the Fourth Army.

Q With how many divisions was the Fourth Army organized in war time?

A The scheduled plan was that in war time the Fourth Army should be doubled than in peace time. That is it was to be extended to four divisions and one tank brigade.

Q Did you know the plan of operations of the Second Army Group and the Fourth Army?

A Yes, I did, and it was the offensive plan.

Q Tell me about the contents of the plan of operations of the Second Army Group and the Fourth Army from 1941 to 1944?

A According to the plan of 1941, reported and explained by the Chief of the Staff of the Fourth Army Major General KIMFIRA, the early concentrated attack of the war against the U.S.S.R. was to be carried out by the First Army Group in the Maritime Province, and during this time the Second Army Group was to cover the flank of the First Army Group and to prepare for the plan of operations in the districts of Zavitaya and Kuibyshevka. In preliminary stage of a war, the N Army and airforces which had operated before in the Maritime Province were to be transferred to the 2nd Army Group. According to the plan of operations of the authorities, the Second Army Group was to let the Fourth Army (four divisions) cross the Heilungkian River from the place between Shengwuton and Aigun and to let the N Army (two divisions) cross it from the place near Chike, and let those two Armies carry out the attack against the Zavitaya and Kuibyshevka, cut off the Heilungkian Railway, destroy the Army of the U.S.S.R., occupy the important points of Blagoveshchensk, Kuibyshevka, Zavitaya and Simanovskaya, and then advance to the direction of Khabarovsk and Rukhlovo.

In September, 1942, the commander of the Second Army Group, General ANAMI Korechika intended this plan. Major-General KIMFIRA participated in this sub-plan of operations. According to this sub-plan, the Second Army Group was to let the Fourth Army (four divisions) cross the Heilungkian River from

p. 34

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the front of Toyinshan and Santooka, cut off the Heilungkian Railway; occupy Svobodny and Kuibyshevka and advance to Khabarovsk. During this time the Eighth Army (one and a half division) was to cross the river from Fuma, and advance to Rukhlovo along the railroad and occupy it. Those plans of operations of the Second Army Group was in force from 1941 to the spring of 1944, that is the time when I was the commander of the Fourth Army, this plan was in force. I don't know other plans of operations of the Second Army Group. The headquarters of the Third Army Group which took the place of the headquarters of the Second Army Group did not change the above mentioned plan of operations in 1943.

Q Do you know about the offensive movement in the district of Chita at the next stage of war?

A No, I don't know.

Q By whom was the offensive plan of operations against the U.S.S.R. in 1941-42 and -43 decided?

A It was decided by the Chief of the General Staff SUGIYAMA Gen; the Minister of War TOJO Hideki and the Commander of the Kwantung Army UMEZU Yoshijiro.

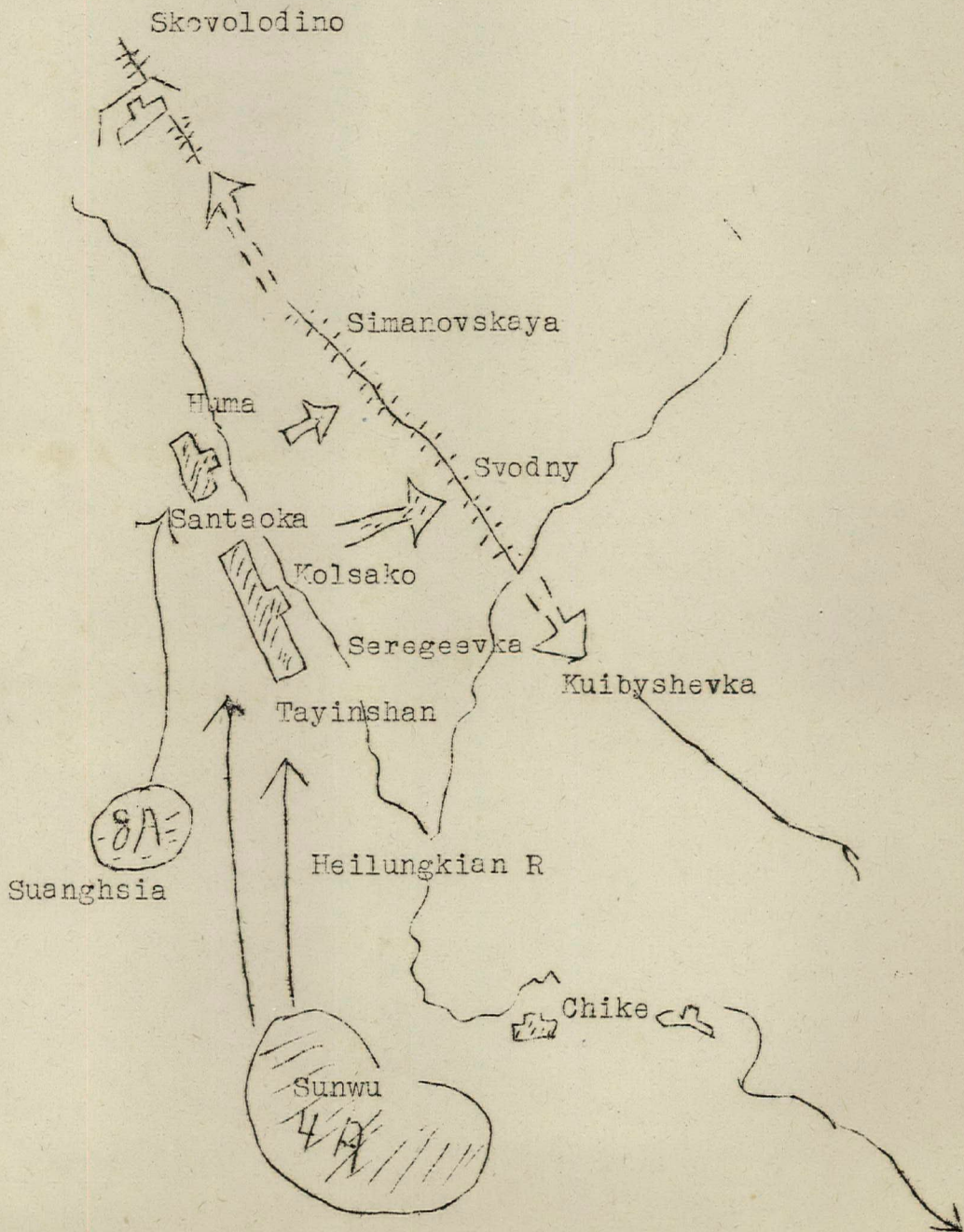
Q What kind of the preparation was carried out in Blagoveshchensk and Kuibyshevka to make the plan of operations in 1941-42 and -43 succeed?

p. 36 A In 1943, Sunwu-Shenshenfu-Fuma military road was completed. The military road between Sunwu and Chike was completed in 1941 and Japan began to construct the roads which lead to the main points of the passage of a river. Only the road bed construction was operated and in 1943, the road bed between Sunwu and Sunho (about 50 kilometers long) and the one between Suanghsia and Tuanlich (about 50 kilometers long) were constructed. Those military roads were camouflaged against the territory of the U.S.S.R. in the other shore, and among the main points of a passage of a river; the road construction of those parts which can be seen from the other shore was not operated.

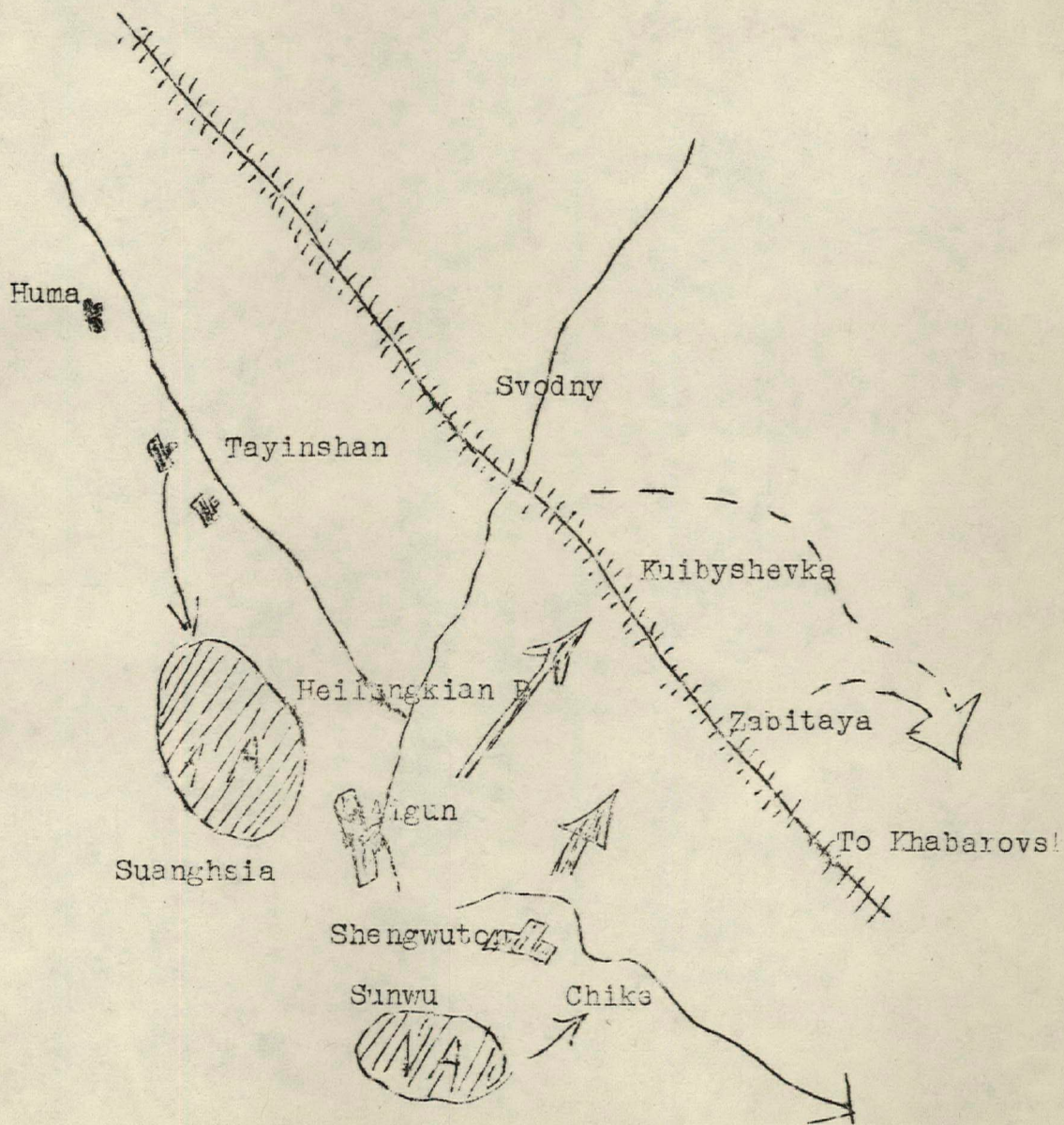
Q Was there any preparation of the line of communication for liaison?

- A Yes, the Fourth Army had the military telegraphs and telephones. Telephone wire was constructed in 1942 and '43 and secured the liason to Harbin and Tsitsihar, and at the same time telegraph wire was constructed.
- Q Were there any preparations for the storage of food and ammunition?
- p. 37 A The storage of the ammunition and food for the operation of the first stage of war were finished on the whole.
- Q What was TOJO's and UMEZU's position in the preparation of war against the U.S.S.R.?
- A TOJO, as the minister of war, suggested and made the "Kon-Toku-En" plan with the Chief of the General Staff SUGIYAMA Gen and the Commander of the Kwantung Army UMEZU Koshijiro. They developed their preparation to the condition of being able for the Kwantung Army to advance to the territory of the U.S.S.R. in 1941, and as the main supporter of the Japanese-Germany Military Alliance against the U.S.S.R., devoted all their power to the preparation of war. I don't know whether they planned the occupation of the Maritime Province in the first stage of war or not, and at the same time about their plan of next stage.
- p. 38 It is testified that the answers in this interrogation were written in Japanese by the witness himself, Lieutenant-General KUSABA Tatsumi. I.J.A. interrogator: Colonel IVANOV, Assistant Prosecutor for the U.S.S.R. at International Military Tribunal in Tokyo. Interpreter: Second Lieutenant PETROV.

The Military Sketch of the Accessory programme for the Offensive plan of operations of the Second Army Group in 1942 and 43.



A military sketch of the Chief of programme for the Offensive Plan of Operations of the Second Army Group in 1941, 42, and 43.



C E R T I F I C A T E

The undermentioned Lieutenant-General KUSABA Tatsumi swore to make true statements about the main war criminals to the witness to Assistant Prosecutor for the U.S.S.R. at the International Military Tribunal in Tokyo, Colonel of Justice IVANOV, and gave this certificate to them. He was warned that he would be responsible under Art. No. 95 of the Criminal Code of the R.S.S.R. if he made any false statements.

KUSABA tatsumi

The receiver of this acknowledgement, Assistant Prosecutor of the U.S.S.R. at the International War Tribunal, Tokyo.

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Page 1

Br. Ex. 27

THE SECRETARY OF STATE TO THE MINISTER IN CHINA
(JOHNSON)

Washington, December 11, 1931 -
11 a.m.

455. On December 10 the Secretary of State issued a statement to the press as follows:

"The Government of the United States is gratified at the unanimous adoption by the Council of the League of Nations of the Resolution of December 10. This represents a definite step of progress in a long and difficult negotiation which I. Briand and his associates have conducted with great patience.

The Council of the League of Nations was in session on September 18 when the present situation in Manchuria first developed. China at once appealed to the Council under Article 11 of the League Covenant. The Council took immediate cognizance of this appeal, and China and Japan participated in the discussions before it in accordance with their obligations as parties to the covenant. This Government has from the beginning endeavored to cooperate with and support these efforts of the Council by representations through the diplomatic channels to both Japan and China. Not only are the American people interested in the same objective sought by the League of preventing a disastrous war and securing a peaceful solution of the Manchurian controversy, but as a fellow signatory with Japan and China in the Kellogg-Briand Pact and in the so-called Nine-Power Treaty of February 6, 1922, this government has a direct interest in and obligation under the undertakings of those treaties.

The present Resolution provides for the immediate cessation of hostilities. It reaffirms the solemn pledge of Japan to withdraw her troops within the railway zone as speedily as possible. It provides for the appointment of a commission of five members to study on the spot and report to the Council on any circumstances which disturbs the peace or affects the good understandings between China and Japan. Such a provision for a neutral commission is in itself an important and

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constructive step towards an ultimate and fair solution of the intricate problem presented in Manchuria. It means the application with the consent of both China and Japan of modern and enlightened methods of conciliation to the solution of this problem. The principle which underlies it exists in many treaties of conciliation to which the United States is a party and which have played in recent years a prominent part in the constructive peace machinery of the world. The operation of such a commission gives time for the heat of controversy to subside and makes possible a careful study of the underlying problem

. . .

These are the essential principles for which the United States and the nations represented on the Council have been striving and it is in itself a signal accomplishment that there has been arrayed behind these principles in a harmonious cooperation such a solid alignment of the nations of the world.

Doc. No. 219P (4)

Br. Ex. 20

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T E L E G R A M
THE SECRETARY OF STATE TO THE AMBASSADOR IN JAPAN
(FORBES)

Washington, January 7, 1932--noon.

7. Please deliver to the Foreign Office on behalf of your Government as soon as possible the following note:

"With the recent military operations about Chinchow, the last remaining administrative authority of the Government of the Chinese Republic in South Manchuria, as it existed prior to September 18th, 1931, has been destroyed. The American Government continues confident that the work of the neutral commission recently authorized by the Council of the League of Nations will facilitate an ultimate solution of the difficulties now existing between China and Japan. But in view of the present situation and of its own rights and obligations therein, the American Government deems it to be its duty to notify both the Imperial Japanese Government and the Government of the Chinese Republic that it cannot admit the legality of any situation de facto nor does it intend to recognize any treaty or agreement entered into between those Governments, or agents thereof, which may impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence, or the territorial and administrative integrity of the Republic of China, or to the international policy relative to China, commonly known as the open door policy; and that it does not intend to recognize any situation, treaty or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1929, to which Treaty both China and Japan, as well as the United States, are parties."

State that an identical note is being sent to the Chinese government.

STIMSON

Foreign Relations I, p. 76

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TELEGRAM
THE AMBASSADOR IN JAPAN (FORBES) TO THE
SECRETARY OF STATE

TOKYO, January 16, 1932--2 p.m.
(Received January 16--6:03 a.m.)

11. Department's telegram No. 7, January 7, noon.
I have just received the reply of the Japanese Government
which reads as follows:

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"The Government of Japan were well aware that
the Government of the United States could always be
relied on to do everything in their power to support
Japan's efforts to secure the full and complete
fulfillment in every detail of the treaties of
Washington and the Kellogg Treaty for the Outlawry
of War. They are glad to receive this additional
assurance of the fact.

As regards the question which Your Excellency
specifically mentions of the policy of the so-call
'open door,' the Japanese Government, as has so
often been stated, regard that policy as a cardinal
feature of the politics of the Far East, and only
regrets that its effectiveness is so seriously
diminished by the unsettled conditions which prevail
throughout China. Insofar as they can secure it,
the policy of the open door will always be maintained
in Manchuria, as in China proper.

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While it need not be repeated that Japan
entertains in Manchuria no territorial aims or
ambitions, yet, as Your Excellency knows, the
welfare and safety of Manchuria and its
accessibility for general trade are matters of
the deepest interest and of quite extraordinary
importance to the Japanese people.

FORBES

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Br. Ex. 32

TELEGRAM
THE SECRETARY OF STATE TO THE CONSUL GENERAL
AT SHANGHAI (CUNNINGHAM)

Washington, February 24, 1932 - 2 p.m.

50. For the Minister. Reference your February 9, 9 a.m., from Nanking, paragraph 2, and Nanking's 14, January 24, 4 p.m., paragraph 5, and Shanghai's 72, February 18, 6 p.m., paragraph 5.

1. There is now being released to the press here the text of a letter from the Secretary of State to Senator Borah, Chairman of the Committee on Foreign Relations of the Senate.

You should communicate to the Foreign Office and make available to the press, at once, the text, as follows:

"You have asked my opinion whether, as has been sometimes recently suggested, present conditions in China have in any way indicated that the so-called Nine Power Treaty has become inapplicable or ineffective or rightly in need of modification, and if so, what I considered should be the policy of this Government.

This Treaty, as you of course know, forms the legal basis upon which now rests the 'Open Door' policy towards China. That policy, enunciated by John Hay in 1899, brought to an end the struggle among various powers for so-called spheres of interest in China which was threatening the dismemberment of that empire. To accomplish this Mr. Hay invoked two principles (1) equality of commercial opportunity among all nations in dealing with China, and (2) as necessary to that equality the preservation of China's territorial and administrative integrity. These principles were not new in the foreign policy of America. They had been the principles upon which it rested in its dealings with other nations for many years. In the case of China they were invoked to save a situation which not only threatened the future development and sovereignty of that great Asiatic people, but also threatened to create dangerous and constantly increasing rivalries between the other nations of the world. War had

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already taken place between Japan and China. At the close of that war three other nations intervened to prevent Japan from obtaining some of the results of that war claimed by her. Other nations sought and had obtained spheres of interest. Partly as a result of these actions a serious uprising had broken out in China which endangered the legations of all of the powers at Peking. While the attack on those legations was in progress, Mr. Hay made an announcement in respect to this policy as the principle upon which the powers should act in the settlement of the rebellion. He said

'The policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.'

He was successful in obtaining the assent of the other powers to the policy thus announced.

In taking these steps Mr. Hay acted with the cordial support of the British Government. In responding to Mr. Hay's announcement, above set forth, Lord Salisbury, the British Prime Minister expressed himself 'most emphatically as concurring in the policy of the United States.'

For twenty years thereafter the Open Door policy rested upon the informal commitments thus made by the various powers. But in the winter of 1921 to 1922, at a conference participated in by all of the principal powers which had interests in the Pacific, the policy was crystalized into the so-called Nine Power Treaty, which gave definition and precision to the principles upon which the policy rested. In the first article of that Treaty, the contracting powers, other than China, agreed

1. To respect the sovereignty, the independence and the territorial and administrative integrity of China.

Nine Power Treaty

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2. To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable government.

3. To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China.

4. To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly states, and from countenancing action inimical to the security of such states.

This Treaty thus represents a carefully developed and matured international policy intended, on the one hand, to assure to all of the contracting parties their rights and interests in and with regard to China, and on the other hand, to assure to the people of China the fullest opportunity to develop without molestation their sovereignty and independence according to the modern and enlightened standards believed to maintain among the peoples of this earth. At the time this Treaty was signed, it was known that China was engaged in an attempt to develop the free institutions of a self-governing republic after her recent revolution from an autocratic form of government; that she would require many years of both economic and political effort to that end; and that her progress would necessarily be slow. The Treaty was thus a covenant of self-denial among the signatory powers in deliberate renunciation of any policy of aggression which might tend to interfere with that development. It was believed--and the whole history of the development of the 'Open Door' policy reveals that faith--that only by such a process, under the protection of such an agreement, could the fullest interests not only of China but of all nations which have intercourse with her best be served.

In its report to the President announcing this Treaty, the American Delegation, headed by the then Secretary of State, Mr. Charles E. Hughes, said

'It is believed that through this treaty the 'Open Door' in China has at last been made a fact.'

During the course of the discussions which resulted in the Treaty, the Chairman of the British delegation, Lord Balfour, had stated that

'The British Empire delegation understood that there was no representative of any power around the table who thought that the old practice of "spheres of interest" was either advocated by any government or would be tolerable to this conference. So far as the British Government was concerned, they had, in the most formal manner, publicly announced that they regarded this practice as utterly inappropriate to the existing situation.'

At the same time the representative of Japan, Baron Shidahara, announced the position of his government as follows:

~~'No one denies to China her sacred right to govern herself. No one stands in the way of China to work out her own great national destiny.'~~

The Treaty was originally executed by the United States, Belgium, the British Empire, China, France, Italy, Japan, the Netherlands and Portugal. Subsequently it was also executed by Norway, Bolivia, Sweden, Denmark and Mexico. Germany has signed it but her Parliament has not yet ratified it.

It must be remembered also that this Treaty was one of several treaties and agreements entered into at the Washington Conference by the various powers concerned, all of which were interrelated and interdependent. No one of these treaties can be disregarded without disturbing the general understanding and equilibrium which were intended to be accomplished and effected by the group of agreements arrived at in their entirety. The Washington Conference was essentially a disarmament conference, aimed to promote the possibility of peace in the world not only through the cessation of competition in naval armament but also by the solution of various other disturbing problems which threatened the peace of the world, particularly in the Far East. These

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problems were all interrelated. The willingness of the American government to surrender its then commanding lead in battleship construction and to leave its positions at Guam and in the Philippines without further fortification, was predicated upon, among other things, the self-denying covenants contained in the Nine Power Treaty, which assured the nations of the world not only of equal opportunity for their Eastern trade but also against the military aggrandizement of any other power at the expense of China. One cannot discuss the possibility of modifying or abrogating those provisions of the Nine Power Treaty without considering at the same time the other promises upon which they were really dependent.

Six years later the policy of self-denial against aggression by a stronger against a weaker power, upon which the Nine-Power Treaty had been based, received a powerful reinforcement by the execution by substantially all the nations of the world of the Pact of Paris, the so-called Kellogg-Briand Pact. These two treaties represent independent but harmonious steps taken for the purpose of aligning the conscience and public opinion of the world in favor of a system of orderly development by the law of nations including the settlement of all controversies by methods of justice and peace instead of by arbitrary force. The program for the protection of China from outside aggression is an essential part of any such development. The signatories and adherents of the Nine Power Treaty rightly felt that the orderly and peaceful development of the 400,000,000 of people inhabiting China was necessary to the peaceful welfare of the entire world and that no program for the welfare of the world as a whole could afford to neglect the welfare and protection of China.

The recent events which have taken place in China, especially the hostilities which have been begun in Manchuria have latterly been extended to Shanghai, far from indicating the advisability of any modification of the treaties we have been discussing, have tended to bring home the vital importance of the faithful observance of the

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covenants therein to all of the nations interested in the Far East. It is not necessary in that connection to inquire into the causes of the controversy or attempt to apportion the blame between the two nations which are unhappily involved: for regardless of cause or responsibility, it is clear beyond peradventure that a situation has developed which cannot, under any circumstances, be reconciled with the obligations of the covenants of these two treaties, and that if the treaties had been faithfully observed such a situation could not have arisen. The signatories of the Nine Power Treaty and of the Kellogg-Briand Pact who are not parties to that conflict are not likely to see any reason for modifying the terms of those treaties. To them the real value of the faithful performance of the treaties has been brought sharply home by the perils and losses to which their nationals have been subjected in Shanghai.

That is the view of this Government. We see no reason for abandoning the enlightened principles which are embodied in these treaties. We believe that this situation would have been avoided had these covenants been faithfully observed, and no evidence has come to us to indicate that a due compliance with them would have interfered with the adequate protection of the legitimate rights in China of the signatories of those treaties and their nationals.

VG | On January 7th last, upon the instruction of the President, this Government formally notified Japan and China that it would not recognize any situation, treaty or agreement entered into by those governments in violation of the covenants of these treaties, which affected the rights of our Government or its citizens in China. If a similar decision should be reached and a similar position taken by the other governments of the world, a caveat will be placed upon such action which, we believe, will effectively bar the legality hereafter of any title or right sought to be obtained by pressure or treaty violation, and which, as has been shown by history in the past, will eventually lead to the restoration to China of rights and titles of which she may have been deprived.

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In the past our Government, as one of the leading powers on the Pacific Ocean, has rested its policy upon an abiding faith in the future of the people of China and upon the ultimate success in dealing with them of the principles of fair play, patience, and mutual goodwill. We appreciate the immensity of the task which lies before her statesmen in the development of her country and its government. The delays in her progress, the instability of her attempts to secure a responsible government, were foreseen by Messrs. Hay and Hughes and their contemporaries and were the very obstacles which the policy of the Open Door was designed to meet. We concur with those statesmen, representing all the nations in the Washington Conference who decided that China was entitled to the time necessary to accomplish her development. We are prepared to make that our policy for the future.

Very sincerely yours, (Signed) Henry L. Stimson"

2. Repeat the whole of the above in clear at once to Tokyo.

STIMSON

Foreign Relations I, pp. 83-87

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TELEGRAM
THE SECRETARY OF STATE TO THE MINISTER IN
SWITZERLAND (WILSON)

Excerpt.

Washington, February 25, 1933--6 p.m.

78. Your 125, February 24, 7 p.m. Communicate to Drummond (Secretary General of the League) as a letter from me under today's date the following:

*There has been communicated to me the text of your letter of February 24, 1933, transmitting to me a copy of the report of the Committee of Nineteen as adopted by the Assembly of the League of Nations on this day.

I note your request that I communicate to you as soon as possible the reply of the Government of the United States.

In response to that request I have the honor to state the views of the American Government as follows:

In the situation which has developed out of the controversy between China and Japan, the purpose of the United States has coincided in general with that of the League of Nations, the common objective being maintenance of peace and settlement of international disputes by pacific means. In pursuance of that objective, while the League of Nations has been exercising jurisdiction over a controversy between two of its members, the Government of the United States has endeavored to give support, reserving to itself independence of judgment with regard to method and scope, to the efforts of the League on behalf of peace.

The findings of fact arrived at by the League and the understanding of the facts derived by the American Government from reports made to it by its own representatives are in substantial accord. In the light of its findings of fact, the Assembly of the League has formulated a measured statement of conclusions. With those conclusions the American Government is in general accord. In their affirmations respectively of the principle of non-recognition and their attitude in regard thereto the League and the United States are on common ground. The League has recommended principles of settlement. In so far as appropriate under the treaties to which it is a party, the American Government expresses its general endorsement of the principles thus recommended.

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STIMSON

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Doc. No. 219P (15)

Br. Ex. 34 THE AMBASSADOR IN JAPAN (GREW) TO THE SECRETARY OF STATE

No. 1052

TOKYO, November 14, 1934
(Received December 1.)

Excerpt.

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While it may be argued that the Japanese Government never specifically guaranteed the maintenance of the principles of the open door and equal opportunity in Manchuria after the government of "Manchukuo" was organized, the Japanese recognition and endorsement of the new regime was largely predicated upon the maintenance of those policies, as is evidenced by the speech of Count UCHIDA, then Minister for Foreign Affairs, before the Diet on August 25, 1932, and the Japanese Government's public statement of September 15, 1932, issued on the occasion of the recognition of "Manchukuo", which reads in part as follows:

"As regards the economic activities of foreigners, the Manchukuo Government made clear in their communication of March 10 above alluded to that they would observe the principle of the Open Door. What Japan desires in Manchuria is to do away with all anti-foreign policies there so that the region may become a safe place of abode for natives and foreigners alike, while, at the same time, guaranteeing her legitimate rights and interests there; and therefore, it is hardly necessary to repeat the assurance that Japan sincerely hopes that all the peoples of the world will pursue their economic activities in Manchuria on a footing of equal opportunity and will thereby contribute to the development and prosperity of that region."

The Protocol between Japan and "Manchukuo" of September 15, 1932, itself is predicated upon the observance by "Manchukuo" of international obligations applying to that territory, as is shown by the second paragraph of the preamble of the Protocol:

"Whereas Manchukuo has declared its intention of abiding by all international engagements entered into by China in so far as they are applicable to Manchukuo."

It is difficult to see how the Japanese Government can ignore these definite declarations, but that it has done so is not only shown by the excerpt quoted above, etc.

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Br. Ex. 42

TELEGRAM
THE AMBASSADOR IN JAPAN (GREW) TO THE SECRETARY
OF STATE

(Paraphrase)

Excerpt.

TOKYO, April 25, 1934 -- 1 p.m.
(Received April 25--9:55 a.m.)

Hint

75. This morning I had an interview with the Foreign Minister. Mr. Hirota referred, on his own initiative, to the subject of the Amau statement regarding the attitude of Japan toward foreign assistance to China, and said that he wished to clarify that statement to me in confidence. He told me that under questioning by newspaper men, Amau had given out the statement without his knowledge or approval, and that the world had received a wholly false impression of Japanese policy, that Japan had no intention whatever of seeking special privileges in China, of encroaching upon the territorial and administrative integrity of China, or of creating difficulties for the bona fide trade of other countries with China. Various foreign activities have tended to disturb peaceful conditions in China, and Japan is naturally very much interested in those peaceful conditions owing to her nearness to China. But that does not mean that there is any intention or desire on the part of Japan to claim a privileged position in derogation of the rights and responsibilities to which the signatories of the Nine-Power Treaty are entitled. The policy of Japan is complete observance and support of the provisions of the Nine-Power Treaty in every respect.

Excerpt.

TOKYO, April 25, 1934 -- 1 p.m.
(Received April 25--9:55 a.m.)

75. This morning I had an interview with the Foreign Minister. Mr. Hirota referred, on his own initiative, to the subject of the Amau statement regarding the attitude of Japan toward foreign assistance to China, and said that he wished to clarify that statement to me in confidence. He told me that under questioning by newspaper men, Amau had given out the statement without his knowledge or approval, and that the world had received a wholly false impression of Japanese policy, that Japan had no intention whatever of seeking special privileges in China, of encroaching upon the territorial and administrative integrity of China, or of creating difficulties for the bona fide trade of other countries with China. Various foreign activities have tended to disturb peaceful conditions in China, and Japan is naturally very much interested in those peaceful conditions owing to her nearness to China. But that does not mean

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MEMORANDUM BY THE SECRETARY OF STATE
(WASHINGTON) May 19, 1934.

Hirota

The Japanese Ambassador called and promptly drew out an elaborate telegram which he said was from Foreign Minister Hirota in Tokyo to him. He first remarked that Hirota desired to extend his appreciation of the friendly spirit in which I sent the statement to him on April 28, 1934, and which was delivered by United States Ambassador Grew. He added that Ambassador Grew had stated to Minister Hirota at the time that the United States Government did not expect any reply. The Japanese Ambassador then proceeded practically to read the telegram, although appearing more or less to be speaking orally. He retained the telegram which was in his language. At its conclusion, I inquired if it was virtually a restatement of the statement during the latter part of April of his Government to Sir John Simon in the London Foreign Office. He replied that it was. I then stated that I had kept perfectly quiet while Japanese officials all the way from Tokyo to Geneva on April 17th, and for many days following, were reported as giving out to the press the views and policies of the Japanese Government touching certain international phases relating to the Orient; that at the conclusion of these different statements I felt, in order not to be misunderstood here or anywhere, that I should in a respectful and friendly spirit, offer a succinct but comprehensive restatement of rights, interests, and obligations as they related to my country primarily and as they related to all countries signatory to the Nine-Power Treaty, the Kellogg Pact, and international law as the same applied to the Orient.

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I then inquired whether the Japanese Government differed with any of the fundamental phases of the statement I sent to the Japanese Foreign Minister on the 28th day of April, 1934? The Ambassador replied that it did not differ, that his Government did agree to the fundamentals of my note or statement, but that his Government did feel that it had a special interest in preserving peace and order in China. He then repeated the same formula that his government had been putting out for some weeks about the superior duty or function of his government to preserve peace and of its special interest in the peace situation in--to quote his words--"Eastern Asia". I remarked that, as Hirota

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wrote me, I saw no reason whatever why our two countries should not, in the most friendly and satisfactory way to each, solve every question or condition that existed now or that might arise in the future. I then said that, in my opinion, his country could conduct its affairs in such a way that it would live by itself during the coming generations, or that it might conduct its affairs even more profitably and at the same time retain the perfect understanding and the friendship of all civilized nations in particular that my hope and prayer was that all the civilized nations of the world, including Japan, should work together and in a perfectly friendly and understanding way so as to promote to the fullest extent the welfare of their respective peoples and at the same time meet their duties to civilization and to the more backward populations of the world and that my Government would always be ready and desirous of meeting his Government fully half-way in pursuing these latter objectives.

V67 | I then remarked that I would be entirely frank by saying that just now there was considerable inquiry everywhere as to just why his government singled out the clause or formula about Japan's claiming superior and special interests in the peace situation in "Eastern Asia" and her superior rights or duties in connection with the preservation of peace there; and that many were wondering whether this phrase or formula had ulterior or ultimate implications partaking of the nature of an overlordship of the Orient or a definite purpose to secure preferential trade rights as rapidly as possible in the Orient or "Eastern Asia"--to use the Japanese expression. The Ambassador commenced protesting that this was not the meaning contemplated or intended. I said it would be much simpler and easier if when the national of any other government engaged in some act in the Orient which Japan might reasonably feel would affect her unsatisfactorily, to bring up the individual circumstance to the proper government, instead of issuing a blanket formula which would cause nations everywhere to inquire or surmise whether it did not contemplate an overlordship of the Orient and an attempt at trade preferences as soon as possible. The Ambassador again said that this so-called formula about the superior interests of Japan in preserving peace, etc., did not contemplate the interference or domination or overlordship such as I had referred to.

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I stated that today there was universal talk and plans about armaments on a steadily increasing scale and that Japan and Germany were the two countries considered chiefly responsible for that talk; that, of course, if the world understood the absence of any overlordship intentions or other unwarranted interference by his government, as the Ambassador stated them to me, his country would not be the occasion for armament discussion in so many parts of the world; and that this illustrated what I had said at the beginning of our conversation that nations should make it a special point to understand each other, and the statesmen of each country should be ready at all times to correct or explain any trouble-making rumors or irresponsible or inaccurate statements calculated to breed distrust and misunderstanding and lukewarmness between nations. I went on to say that it was never so important for the few existing civilized countries of the world to work whole-heartedly together; and that this action of course would, more fully than any other, promote the welfare of the people of each and also would best preserve civilization. I emphasized again that it would be the height of folly for any of the civilized nations to pursue any line of utterances of professed policies that would engender a feeling of unfairness or treaty violation or other unsatisfactory reaction in the important nations who might have both rights and obligations in a given part of the world such as the Orient. I said that in this awful crisis through which the world was passing, debtors everywhere were not keeping faith with creditors in many instances; that sanctity of treaties, in Western Europe especially, was being ignored and violated; that this was peculiarly a time when our civilized countries should be especially vigilant to observe and preserve both legal and moral obligations: and that my country especially felt that way, not only on its own account but for the sake of preserving the better and the higher standards of both individual and national conduct everywhere.

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our

I remarked that my Government, apart from its general treaty obligations, was only interested in the equality of trade rights in the Orient as in every part of the world and also its obligations and rights under the law of nations; that what little trade we had in the Orient we naturally desired to conduct on this basis of

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equality, even though it might be less in the future than now. Then I remarked that if these treaties which imposed special obligations on my government in the Orient were not in existence that, while interested in peace in all parts of the world, my government would also be interested in equality of trade rights.

I inquired whether his government had any disposition to denounce and get rid of these treaties in whole or in part, and said that to ignore or violate them would be embarrassing to my government, and that this would relieve it of any possibilities of such embarrassment. I said that I was not remotely suggesting in the matter. He replied that his government was not disposed to denounce and abrogate these treaties. He said that they felt obliged to get out of the League of Nations on account of certain considerations which their membership created. I then inquired of him whether his government abandoned membership on account of difficulties arising from the fact that Japan was a member of the League or whether it was due to Japan being a signatory to the Versailles Treaty. I did not get a complete answer to this.

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The Ambassador then stated that in any preliminary naval conversations that might soon take place, his government would be opposed to discussing any Far Eastern political or similar questions or conditions and that only the purely naval side should be taken up. He said that political and all other phases of the subject were discussed at the Washington Conference and his government was opposed to a repetition of this. I offered no comment.

C(CRDELL) H(ULL)

Foreign Relations I, pp.233-236

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Doc. No. 219P (1st)

BR. EX. 37 THE AMERICAN EMBASSY IN JAPAN TO THE JAPANESE
MINISTRY FOR FOREIGN AFFAIRS

AIDE-MEMOIRE

Excerpt

.....

With particular reference to the Foreign Office memorandum of November 5 the American Government finds unconvincing the statement as contained therein that the proposed control of the oil industry in Manchuria is not within the knowledge or concern of the Japanese Government. The American Government must of necessity assume that a project of such major importance to all concerned and one with regard to which Japanese interests including a quasi-official organization apparently are taking so active and so prominent a part can not escape either the knowledge or the concern of the Japanese Government. Likewise for obvious reasons the American Government can not accept the implied disclaimer of responsibility on the part of Japan in relation to the industrial policy in Manchuria of which this prohibition (project?) is a manifestation.

The American Government does not wish nor does it believe that the Japanese Government would wish to enter into controversy over the details of the project under discussion. The American Government feels however that it must call to the attention of the Japanese Government for that Government's most careful consideration certain facts and conclusions to which the American Government attaches great importance namely that there is proposed the setting up in Manchuria of a control of the petroleum industry which by whatsoever means attained and whatever called would in fact constitute a monopoly of the sale and distribution of oil in that area; that the creation of such a monopoly would impinge upon treaty rights which rights the authorities in Manchuria have affirmed to the world they would respect and maintain, an affirmation which the Japanese Government accepted and adopted in the protocol into which it entered with those authorities; that an oil monopoly and in fact any monopoly would in addition constitute a violation of Article III of the Nine Power Treaty to which both Japan and the United States are co-signatories. The creation of such a monopoly would adversely affect legitimate American interests long established in that region. Perseverance in this project by its promoters and indifference by the Japanese Government to that development and its consequences would tend to place at naught the emphatic and unconditional assurances repeatedly made by the Japanese Government of its devotion to the maintenance in Manchuria of the principle of the open door.

.....

TOKYO, November 30, 1934

Foreign Relations I, pp. 143-144

STATEMENT BY THE SECRETARY OF STATE 10

In reply to inquiries by press correspondents in regard to the "autonomy movement" in North China, Chinese and Japanese activities in relation thereto, and the American Government's attitude, the Secretary of State said:

There is going on in and with regard to North China a political struggle which is unusual in character and which may have far-reaching effects. The persons mentioned in reports of it are many; the action is rapid and covers a large area; opinions with regard to it vary; what may come of it no one could safely undertake to say; but, whatever the origin, whoever the agents, be what they may the methods, the fact stands out that an effort is being made--and is being resisted--to bring about a substantial change in the political status and condition of several of China's northern provinces.

Unusual developments in any part of China are rightfully and necessarily of concern not alone to the Government and people of China but to all of the many powers which have interests in China. For, in relations with China and in China, the treaty rights and the treaty obligations of the "treaty powers" are in general identical. The United States is one of those powers.

In the area under reference the interests of the United States are similar to those of other powers. In that area there are located, and our rights and obligations appertain to, a considerable number of American nationals, some American property, and substantial American commercial and cultural activities. The American Government is therefore closely observing what is happening there.

Political disturbances and pressures give rise to uncertainty and misgiving and tend to produce economic and social dislocations. They make difficult the enjoyment of treaty rights and the fulfillment of treaty obligations.

The views of the American Government with regard to such matters not alone in relation to China but in relation to the whole world are well known. As I have stated on many occasions, it seems to this Government most important in this period of world-wide political unrest and economic instability that governments and peoples keep faith in

principles and pledges. In international relations there must be agreements and respect for agreements in order that there may be the confidence and stability and sense of security which are essential to orderly life and progress. This country has abiding faith in the fundamental principles of its traditional policy. This Government adheres to the provisions of the treaties to which it is a party and continues to bespeak respect by all nations for the provisions of treaties solemnly entered into for the purpose of facilitating and regulating, to reciprocal and common advantage, the contacts between and among the countries signatory.

Foreign Relations I, pp. 240-241.

Footnote:

(¹⁰ Issued as a press release December 5, 1935, for publication in the morning newspapers of December 6, 1935.)

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Doc. No. 219P (16)

BR. EX. 35

THE CONSUL AT MUKDEN (LANGDON) TO THE
AMBASSADOR IN CHINA (JOHNSON)

Excerpts.

Mukden, October 30, 1937.

No. 158

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For Mr. Ohashi's ready reference Mr. Langdon cited some of the many declarations made by Hsinking promising to maintain the Open Door in Manchuria, namely:

The passage dealing with foreign policies in the Proclamation on the establishment of the State, March 1, 1932;

The telegram of Foreign Minister Hsieh to the Secretary of State of the United States, March 12, 1932, in particular paragraph 7, reading as follows: "With regard to economic activities of peoples of foreign nations within the state of Manchuria, the principle of the Open Door shall be observed";

The statement of Foreign Minister Hsieh on the occasion of the signing of the Manchukuo-Japan Protocol of September 15, 1932;

The telegram of congratulation of November 12, 1932, by Foreign Minister Hsieh on the occasion of the election of President Roosevelt;

Statement given to United Press representatives in Tokyo by the Manchukuo Foreign Office (see Bureau of Information and Publicity, Department of Foreign Affairs, Bulletin No. 60, May 4, 1933);

Statement for foreign countries issued March 1, 1934, by Foreign Minister Hsieh on the Occasion of the enthronement of the Emperor, reaffirming the undertaking to maintain the Open Door announced March 1, 1932, on the occasion of the establishment of the State.

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Mr. Langdon expressed to Mr. Ohashi his deep regret that the statutes of Manchukuo now placed discriminatory restrictions on the commercial relations of his country with Manchuria and requested that Mr. Ohashi communicate to the proper authorities the unfavorable impression which such restrictions were making in the United States, which treats the trade of all countries, including Manchuria, alike.

THE JAPANESE AMBASSADOR (SAITO) TO THE
SECRETARY OF STATE

No. 250

WASHINGTON, December 29, 1934.

SIR: I have the honor, under instructions from my Government, to communicate to you the following:-

In accordance with Article XXIII of the Treaty concerning the Limitation of Naval Armament, signed at Washington on the 6th February, 1922, the Government of Japan hereby give notice to the Government of the United States of America of their intention to terminate the said Treaty, which will accordingly cease to be in force after the 31st December, 1936.

Accept (etc.)

SAITO

Foreign Relations I, p. 274.

943

T E L E G R A M
THE CHAIRMAN OF THE AMERICAN DELEGATION (DAVIS)
TO THE SECRETARY OF STATE

Excerpt.

LONDON, January 15, 1936--2 p.m.
(Received January 15--11:27 a.m.)

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The United States has been most desirous of reaching a new agreement for a reduction and limitation of naval armaments to supersede the existing treaties that are to expire at the end of this year. We have, therefore, been willing to discuss any proposals and to explore every possibility of agreement. We have been willing to consider any evidence that might have been presented to the effect that the present relative strengths are not fair and equitable and do not provide for equal security.

We have accordingly listened with the most careful attention to all the explanations given by the Japanese delegation of their proposal for a common upper level with a view to determining whether any new facts or considerations might be developed which would justify the United States in modifying its belief that the principles of the common upper limit would not be a practicable basis for the limitation and reduction of naval armament. While we greatly appreciate the clear exposition of the Japanese point of view presented by Admiral Nagano, the discussion has if anything served to strengthen our conviction that the principle of a common upper limit would not serve as a basis for negotiation and agreement.

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944

Doc. No. 219P (20)

Br. Ex. 39

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (HIROTA)

No. 828

TOKYO, December 1, 1937.

EXCELLENCY: Acting under the instructions of my Government I have the honor to refer to reports that on November 1 (5?) a treaty was signed with Japan ending Japanese extraterritorial rights in Manchuria and that on this account there was issued a manifesto in regard to the extraterritorial rights of foreigners other than Japanese in Manchuria. It has also been brought to the attention of my Government that the branch at Harbin of the National City Bank of New York, an American concern, has received a letter from the Department of Economics at Hsinking stating that a recently promulgated "law concerning foreign juridical persons" "naturally" applies to all foreign firms and requesting that preparation be made to register and to appoint a representative in accordance with the law. The extraterritorial rights of nationals of the United States in Manchuria are granted by treaties between the United States and China and my Government considers that the law under reference which apparently contemplates the assertion by the authorities in Manchuria of jurisdiction over American juridical persons is inapplicable to American nationals and firms. My Government therefore is impelled to register emphatic objection to any attempt by the authorities of Manchuria to exercise jurisdiction over American nationals and to make full reservation in regard to the treaty rights of the United States and its citizens.

I am directed by my Government to address the Japanese Government on this matter in view of the relationship between the Japanese Government and the authorities in Manchuria.

I avail myself, (etc.)

JOSEPH C. GREW

Foreign Relations I, p. 154.

THE CHAIRMAN OF THE JAPANESE DELEGATION (NAGANO)
TO THE CHAIRMAN OF THE CONFERENCE (MONSELL)

(LONDON,) January 15, 1936.

MY LORD, I have the honour hereby to notify Your Lordship that as it has become sufficiently clear at today's session of the First Committee that the basic principles embodied in our proposal for a comprehensive limitation and reduction of naval armaments cannot secure general support, our Delegation have now come to the conclusion that we can no longer usefully continue our participation in the deliberations of the present Conference.

We remain, nevertheless, firmly convinced that our proposal is one best calculated to attain an effective disarmament, and we regret to state that we cannot subscribe, for the reasons we have repeatedly set forth, to the plans of quantitative limitation submitted by the other Delegations.

I desire to assure you, on this occasion, that we most sincerely appreciate the cordial manner in which you have been good enough to conduct the Conference; at the same time, I should like to tender our deepest thanks on behalf of our Delegation, for the hearty co-operation of all the Delegations to this Conference.

I have (etc.)

OSAMI NAGANO

Foreign Relations I, p. 297.

T E L E G R A M
THE AMBASSADOR IN JAPAN (GREW) TO THE
SECRETARY OF STATE

TOKYO, June 18, 1937--4 p.m.
(Received June 18--9:05 p.m.)

While the limitation of the gun calibre for capital ships constitutes one important aspect of qualitative limitation, the Japanese Government, in elucidating at the last London Naval Conference their basic attitude concerning the means calculated to bring about just and fair state of naval disarmament, made it clear that they could not subscribe to qualitative limitations alone, if not accompanied by a simultaneous restriction in quantity. The Japanese Government still hold the same conviction as regards the matter of qualitative limitations. Stated briefly, it is their belief that a mere limitation in quality alone will only induce a tendency to make up for the deficiency caused through such limitation, by resorting to quantitative augmentation, thus ultimately leading to a competition in naval armament in quantity. The Japanese Government, therefore, are not, at this juncture, in a position to adopt, apart from quantitative restrictions, a mere limitation of the gun calibre for capital ships, a matter which properly belongs to the most important phase of qualitative limitation and hope that the United States Government will understand the above-mentioned position of the Japanese Government.

It may be added for the information of the United States Government that this position of the Japanese Government as regards qualitative limitation was communicated towards the end of March to the British Government, when the Japanese Government responded to the British proposal of January this year regarding the limitation to fourteen inches of the maximum calibre of guns for capital ships.

June 18, 1937.

GRFW

Doc. 219F (31)
Br. Ex. 50

STATEMENT BY THE SECRETARY OF STATE¹¹

I have been receiving from many sources inquiries and suggestions arising out of disturbed situations in various parts of the world.

Unquestionably there are in a number of regions tensions and strains which on their face involve only countries that are near neighbors but which in ultimate analysis are of inevitable concern to the whole world. Any situation in which armed hostilities are in progress or are threatened is a situation wherein rights and interests of all nations either are or may be seriously affected. There can be no serious hostilities anywhere in the world which will not one way or another affect interests or rights or obligations of this country. I therefore feel warranted in making--in fact, I feel it a duty to make--a statement of this Government's position in regard to international problems and situations with respect to which this country feels deep concern.

This country constantly and consistently advocates maintenance of peace. We advocate national and international self-restraint. We advocate abstinence by all nations from use of force in pursuit of policy and from interference in the internal affairs of other nations. We advocate adjustment of problems in international relations by processes of peaceful negotiation and agreement. We advocate faithful observance of international agreements. Upholding the principle of the sanctity of treaties, we believe in modification of provisions of treaties, when need therefor arises, by orderly processes carried out in a spirit of mutual helpfulness and accommodation. We believe in respect by all nations for the rights of others and performance by all nations of established obligations. We stand for revitalizing and strengthening of international law. We advocate steps toward promotion of economic security and stability the world over. We advocate lowering or removing of excessive barriers in international trade. We seek effective equality of commercial opportunity and we urge upon all nations application of the principle of equality of treatment. We believe in limitation and reduction of armament. Realizing the necessity for maintaining armed forces adequate for national security, we are prepared to reduce or to increase our own armed forces in proportion to reductions or increases made by other countries. We avoid entering into alliances or entangling commitments but we believe in cooperative effort by peaceful and practicable means in support of the principles, hereinbefore stated.

Foreign Relations I, pp. 325-326.

Footnote:

¹¹ Issued as a press release on July 16, 1937; reprinted from Department of State, Press Releases, July 17, 1937 (vol. XVII, No. 407), p. 41.)

948

MEMORANDUM BY THE SECRETARY OF STATE

(WASHINGTON,) June 12, 1936.

Excerpt.

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In reply, I told Mr. Yoshida that I would speak frankly but in the friendliest possible spirit and say that the impression among many persons in this country was that Japan sought absolute economic domination, first of eastern Asia, and then, of other portions as she might see fit; that this would mean political as well as military domination in the end; that the upshot of the entire movement would be to exclude countries like the United States from trading with all of those portions of China thus brought under the domination or controlling influence so-called of Japan; that this presented a serious question to first-class countries with commercial interests in every part of the world, for the reason that, for instance, my country stood unqualifiedly for the principle of equality of commercial opportunity and industrial right alike in every part of the world; and that it would be strange and impracticable for my country to stand for this doctrine with the announcement always that it qualified same by applying it to only one-half of the world and one-half of the world's population. I remarked that I could say in all candor that this Government had never by the slightest word or intimation suggested to the people or officials of the 20 Latin American countries as to what amount of trade they should conduct with Germany, or Great Britain, or Japan, or any other country.

I continued with the statement that there was no reason, in my judgment, why countries like Japan, the United States and England, could not in the most amicable spirit, and with perfect justice and fairness to each, agree to assert and abide by the worldwide principle of equality in all commercial and industrial affairs, and each country solemnly agree that it would not resort to force in connection with the operation of this rule of equality and why Governments like the three mentioned could not sit down together and in a spirit of fair dealing and fair play confer and collaborate and not cease until they had found a way for amicable and reasonable adjustments or settlements. I said that this would wipe out and eliminate 90% of all the occasions for friction between the nations.

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C(ORDELL) H(ULL)

Br. Ex. 51

MEMORANDUM BY THE SECRETARY OF STATE

Excerpts.

(WASHINGTON) July 21, 1937.

The Ambassador of Japan called this morning at my request. After brief preliminaries, I very seriously addressed the Ambassador and said that, of course, he must be fully aware that when two nations comprising 500 million people are engaged in a controversy in which danger of general hostilities appear imminent this country cannot help but be greatly interested and concerned; that it is in the light of this situation and of the intense desire of this country for peace everywhere, that I have been undertaking to confer with the ambassadors from both Japan and China from time to time regarding developments, present and prospective, in the danger zone: that I have approached each government, in a spirit of genuine friendliness and impartiality in an earnest effort to contribute something to the cause of peace and to the avoidance of hostilities in the Far East; that, if the Ambassador did not mind, I would be glad to reemphasize the chief points I had referred to in our previous conversations on this general subject and situation; that these included a most earnest appeal to each government, from every possible standpoint, for peace, as well as an earnest expression of the opinion that a war would result in irreparable harm to all governments involved and would prove utterly disastrous, in the present chaotic state of world affairs, to all phases of human welfare and human progress . . .

I then said to the Ambassador that I might repeat what I had also said to him at the beginning--that this government is ready and will be most glad at any time to say or do anything, short of mediation which of course requires the agreement of both parties in advance, which might in any way whatever contribute towards composing the present matters of controversy between Japan and China; that this was, of course, said to the Ambassador for his Government; and I added that I desired to repeat with emphasis the present, continued attitude of this government of thus being ready and desirous of saying or doing anything that the government or governments concerned might suggest which would be fair and impartial towards all concerned and at the same time calculated to be helpful in restoring thoroughly peaceful relations in the Far East.

I said to the Ambassador that there was another phase of the matter I would like to put before him. I explained that I was anxious that my point of view be completely understood and for this reason I would like to inform the American Ambassadors

in Japan and in China of the conversations held here and would like to have those Ambassadors report what I said, just as the Ambassadors of those countries to whom I spoke here would report, to the Japanese and Chinese Governments.

At one stage I asked the Ambassador what the latest developments were. He replied that he knew very little in addition to what had been reported to me by the Japanese Counselor during the past three or four days, except a report about a clash near the Marco Polo Bridge in which the Japanese used artillery only and declined to use their infantry. He said their purpose was to localize the controversy and avoid general hostilities; that he still has hopes that this result may be accomplished; that they are not bringing down troops from Japan proper.

The Ambassador said little throughout the conversation, but sought to make himself agreeable. I emphasized to him that if we did not feel genuinely friendly and impartial towards his country and all concerned I would not be saying some of the things I was saying.

During the course of the conversation, I remarked that I desired to refer specially to an incident of the past two days in which two American women, near their embassy in Peking, were assaulted by Japanese guards. I said that I had remarked to the press, off the record, on yesterday that I had only received newspaper information about this attack upon the American women and I could not comment upon it with accuracy until official information came to me; that in the meantime I assumed and hoped that our Embassy in Peking would take the matter up with the Japanese Government and a settlement, or adjustment, or action satisfactory to all concerned would be brought about. The Ambassador expressed his favorable interest in such action and also his belief that such would be the case. Dr. Hornbeck, who was present, remarked to the Ambassador that similar incidents relating to our nationals or the nationals of other governments have occurred during the past five years and that it would be very helpful to the reputation of the Japanese Government to see to it that their guards would deport and demean themselves in a way to avoid such occurrences. The Ambassador expressed his approval.

C(ORDELL) H(ULL)

Doc. No. 219P (33)

Br. Ex. 52

MEMORANDUM BY THE AMBASSADOR IN JAPAN (GREW)

(TOKYO) August 10, 1937

Excerpt

.....
American Offer of Good Offices.

2. I then referred to the statement which I had made to the Minister in our last conversations as on my own initiative and responsibility, that I hoped he would let me know if he ever saw ways in which I could be helpful in the present situation. I said that my Government had now authorized me to present this as a definite offer of good offices and that I was doing so in an informal, confidential and exploratory way, first because it seemed to me important to avoid publicity, and second because we wished to avoid any semblance of interference and were only anxious to be as helpful as possible. I repeated and emphasized this aspect of my remarks so that there could be no doubt in the Minister's mind as to our precise attitude and intentions. I then said that it had occurred to us that either now or later it might be helpful for us to arrange some neutral ground for a meeting of Japanese and Chinese plenipotentiaries to conduct negotiations and perhaps to be helpful if difficulties in those negotiations should arise.

.....
J(OSEPH) C. G(GREW)

Foreign Relations I, p. 339 at
340.

953

Doc. 2192 (36)

Page 1

Br. Ex. 56

THE SECRETARY OF STATE TO THE MINISTER IN
SWITZERLAND (HARRISON)

(Substance)

Excerpts.

WASHINGTON, September 28, 1937
10 p.m.

It is desirable, however, inasmuch as the United States Government associates itself with the League's deliberations through authorizing the Minister to sit with the Assembly Advisory Committee and the subcommittee, that the Minister know of and understand the American Government's thought in connection with his possible contributions toward enabling his associates at Geneva to reach decisions which may have some beneficial practical effect regarding objectives which are common to the United States and to the League's members.

When Japan embarked last July upon military activities in China, the United States Government, which took full account of evidence presented at that time and during the past indicative of Japanese political objectives, on July 16 made public a statement of basic principles which it felt should underlie normal and peaceful international relationships.

Government

The United States reiterated more specifically on August 23 in a statement, with especial reference to the armed conflict between Japan and China, certain of the principles comprised in the statement of July 16, and the view was emphasized that these principles applied as well to the Pacific area as elsewhere. Attention was called, inter alia, expressly to the Kellogg-Briand Pact and the Nine-Power Treaty. Exception was thus definitely taken to the course followed by Japan.

Moreover, several definite steps have been taken in support of the American position: (1) Direct appeals to Japan and China to desist or refrain from hostilities; (2) repeated statements to both sides regarding the availability to them of good offices should they make any suggestions for resort to conciliation processes; (3) repeated protests to the Japanese Government against aerial bombing of noncombatants and publication in one instance of an American note to the Japanese Government in objection to and condemnation of such bombing and in another instance issuance of a statement today on that subject.

Japan's military operations have increased in intensity and in extent with the unfolding situation. Charges of Japan's violation of treaty provisions and international law have been amplified by the Chinese Government, and a willingness to resort to conciliation processes has been affirmed by the Chinese. The Japanese have announced, however, their intention to destroy the Chinese will and capacity to resist and actually to overthrow the existing Chinese Government. By declining the League Assembly Advisory Committee's invitation, the Japanese have refused even to consult with other governments with a view to adjusting their difficulties with China.

The Secretary expresses the feeling that the Sino-Japanese situation definitely concerns the world as a whole. No longer do the questions involved relate merely to specific provisions of particular treaties being violated; they are questions of international law, of principles of humanity, of war and peace. Naturally it is true that the questions involve violating agreements, particularly the League of Nations Covenant, the Nine-Power Treaty, and the Kellogg-Briand Pact. But problems of world economy, world humanity, and world security also are involved.

HULL

Foreign Relations I, pp. 375-377

Exhibit No. _____

IPS Document 853, taken from Japanese Foreign Ministry

ANNOUNCEMENT OF THE JAPANESE GOVERNMENT RELATING TO THE CHINA INCIDENT

(VOL. 2)

December 1937

Announcement by Foreign Ministry on invitation to
Attend the Nine Power Treaty Meeting

BELGIAN EMBASSY

His Excellency, the Belgian Ambassador, Baron de Bassompierre,
paid an official call on Mr. Hoki Hirota, Minister for Foreign Affairs,
on October 21st, at 10:30 A.M. and handed him the following Note Verbale.

NOTE VERBALE

In compliance with the request of the Government of Great
Britain, made with the approbation of the Government of the United
States of America, the Royal Government propose to the Signatory
States of the Treaty of February 6, 1922, to convene at Brussels on
the 30th of this month, with the view of examining in accordance with
Article 7 of that Treaty, the situation in the Far East and of studying
the amicable means of hastening the end of the unfortunate conflict
existing there.

Tokyo, October 20th, 1937

C E R T I F I C A T E

W. D. C. No. _____

I. P. S. No. 853Statement of Source and Authenticity

I, Hayashi Kaoru hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives Section, Japanese Foreign Office and that as such official I have custody of the document hereto attached consisting of 143 pages, dated Oct-Nov-Dec., 1937, and described as follows: Announcements of the Japanese Government Relating to the China Incident. (Vol. 2).

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Office.

Signed at Tokyo on this
23rd day of Sept., 1946

/s/ K. Hayashi
Signature of Official

SEAL

Chief, Archives Sect
Official Capacity

Witness: /s/ Nagaharu Odo

Statement of Official Procurement

I, John A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
23 day of Sept., 1946

/s/ J. A. Curtis 2d Lt.
NAME

Witness: /s/ Richard H. Larsh

Investigator
Official Capacity.

Doc. No. 6908

10/31

955
air hose burst outside
window on open point

RESTRICTED - For release only after delivery begins
before the Tribunal.

Hold for Release until
Reading Court

RELATIONS BETWEEN THE UNITED STATES
AND GREAT BRITAIN ON THE ONE HAND
AND JAPAN ON THE OTHER

"Hammack"
get prep
done opening statement

OPENING STATEMENT

Carlisle W. Higgins

Capt Robinson ac

Joseph B. Keenan
Chief of Counsel

Grover C. Hardin
John W. Fihelly
A. Comyns Carr
Frederick A. Mignone
T. Humphreys
G. Menon
Pedro Lopez
Eugene D. Williams

OF COUNSEL

Mr. President and Members of the International
Military Tribunal for the Far East:

① Our schedule now requires the presentation of that
part of the prosecution's case which deals with the
relations between the United States and the British
Commonwealth on the one hand and Japan on the other.
In order that various events, diplomatic conversations
and exchanges may appear in their true perspective, a
short review of the treaty rights and obligations of
the parties to each other and to the Republic of China,
we think, will be helpful to the Tribunal.

② The pertinent treaties were introduced in the
early days of the trial as basic documents. They
deal in the main with three subjects: (1) Agree-
ments designed to prevent the outbreak of hostilities;
(2) Agreements defining relations between Japan and
the other countries. (3) Agreements dealing especially
with China.

③ A The Convention for the Pacific Settlement of Inter-
national Disputes signed at The Hague 29 July 1899 marks
the first worldwide attempt by convention to prevent the

outbreak of hostilities. (Items 1 to 4, Appendix B to the Indictment, and Exhibit No. 12 in the case.) All countries here concerned are parties to the Convention. The two pertinent articles are:

"Article I. With a view to obviating, as far as possible, recourse to force in the relations between the states, the signatory powers agree to use their best efforts to insure the pacific settlement of international differences."

"Article II. In case of serious disagreement or conflict, before an appeal to arms, the signatory powers agree to have recourse, as far as circumstances allow, to the good offices or mediation of one or more friendly powers."

B The second treaty in group one is The Hague Convention Number III of 18 October 1907, (Item 5 of Appendix B to the Indictment and Exhibit No. 14 in the case) the pertinent article of which provides:

"The contracting powers recognize that hostilities between themselves must not commence without previous and explicit warning in the form either of a reasoned declaration of war or of an ultimatum with a conditional declaration of war."

(C) The Covenant of the League of Nations, dated 29 June 1919 (Items 11 to 14 inclusive of Appendix B to the Indictment, and Exhibit No. 23 in the case), provides:

"Article 10. The Members of the League undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled."

"Article 12. The Members of the League agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to enquiry by the Council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the Council."

The United States was never a member of the League. Japan seceded in 1935.

(D) The Kellogg-Briand Pact of 27 August 1928 to which all the countries are parties (Items 33 and 34 of Appendix B to the Indictment and Exhibit No. 33 in the case) provides:

I. "The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another."

II. "The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means."

Under group two the first pertinent agreement is that of 30 November 1908, entered into between the United States and Japan, declaring their policy in the Far East (Items 6 to 9 inclusive of Appendix B to the Indictment and Exhibit No. 22 in the case) which provides:

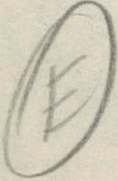
"2. The policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing status quo in the region above-mentioned and to the defense of the principle of equal opportunity for commerce and industry in China."

"3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region."

The next pertinent treaty, dated 13 December 1921, to which the British Commonwealth, France, Japan and the United States were original parties and The Netherlands and Portugal became parties on 4 and 6 February 1922 respectively, (Items 19 to 21 inclusive of Appendix B to the Indictment and Exhibit No. 24 in the case) provides:

"The High Contracting Parties agree as between themselves to respect their rights in relation to their insular possessions and insular dominions in the region of the Pacific Ocean."

"If there should develop between any of the High Contracting Parties a controversy arising out of any Pacific question and involving their said rights which is not satisfactorily settled by diplomacy and is likely to affect the harmonious accord now happily subsisting between them, they shall invite the other High Contracting Parties to join a Conference to which the whole subject will be referred for consideration and adjustment."

 Japan agreed, under the mandate of the League of Nations, that islands covered by the mandate should not be fortified. (Item 18 of Appendix B to the Indictment and Exhibit No. 23 in the case.) Article IV provides:

"The military training of natives otherwise than for purposes of internal police and the local defense of the territory shall be prohibited. Furthermore, no military or naval bases shall be established or fortifications erected in the territory."

The United States, not being a member of the League, obtained the benefits of Article IV by entering into a treaty with Japan on 11 February 1922 (Item 31 of Appendix B to the Indictment and Exhibit No. 29 in the case). Article II provides:

"The United States and its nationals shall receive all the benefits of the engagements of Japan as defined in Articles 3, 4 and 5 of the aforesaid Mandate, notwithstanding the fact that the United States is not a member of the League of Nations."

Under the third classification, it may be stated that a number of treaties contain provisions relative to the territorial integrity of China and the policy of the "open door." However, the Nine Power Treaty dated 6 February 1922, to which the United States of America, the British Commonwealth, Belgium, China, France, Italy, Japan, The Netherlands and Portugal are parties, contains the essential obligations of Japan and the other con-

tracting Powers with respect to China. (Items 22 to 30 inclusive of Appendix B to the Indictment and Exhibit No. 28 in the case.) The prosecution considers it to be of sufficient importance to this case to justify quoting the first four articles:

"Article I.

"The Contracting Powers, other than China, agree:-

(1) To respect the sovereignty, the independence, and the territorial administrative integrity of China;

(2) To provide the fullest and most unembarrassed opportunity to China to develop and maintain for herself an effective and stable Government;

(3) To use their influence for the purpose of effectually establishing and maintaining the principle of equal opportunity for the commerce and industry of all nations throughout the territory of China;

(4) To refrain from taking advantage of conditions in China in order to seek special rights or privileges which would abridge the rights of subjects or citizens of friendly States, and from countenancing action inimical to the security of such States."

Article II

"The Contracting Powers agree not to enter into any treaty, agreement, arrangement or understanding, either with one another, or, individually or collectively, with

any Power or Powers which would infringe or impair the principles stated in Article I."

Article III

"With a view to applying more effectually the principles of the Open Door or equality of opportunity in China for the trade and industry of all nations, the Contracting Powers, other than China, agree that they will not seek, nor support their respective nationals in seeking:-

(a) Any arrangement which might purport to establish in favour of their interests any general superiority of rights with respect to commercial or economic development in any designated region of China;

(b) Any such monopoly or preference as would deprive the nationals of any other Power of the right of undertaking any legitimate trade or industry in China, or of participating with the Chinese Government, or with any local authority, in any category or public enterprise, or which by reason of its scope, duration, or geographical extent is calculated to frustrate the practical application of the principle of equal opportunity.

"It is understood that the foregoing stipulations of this Article are not to be so construed as to prohibit the acquisition of such properties or rights as may be

necessary to the conduct of a particular commercial, industrial, or financial undertaking, or to the encouragement of invention and research.

"China undertakes to be guided by the principles stated in the foregoing stipulations of this Article in dealing with applications for economic rights and privileges from the Governments and nationals of all foreign countries, whether parties to the present Treaty or not."

Article IV

"The Contracting Powers agree not to support any agreements by their respective nationals with each other designed to create Spheres of Influence or to provide for the enjoyment of mutually exclusive opportunities in designated parts of Chinese territory."

Under the foregoing and other pertinent treaty provisions, omitted here in the interest of time, the contracting Powers had certain well defined duties and obligations in China, not only to China but to each other. These treaties had as their ultimate objective the preservation of peace. Their faithful observance, therefore, was a matter of grave concern to all nations interested in peace.

The four cardinal points in Article I of the Nine Power Treaty were but declaratory of the foreign policy of the United States not only toward China but toward all nations. From the date of the treaty, which is without time limitation, the other powers had a right to assume that these provisions constituted the foreign policy of Japan toward China and that Japan in simple terms was committed

- (1) to respect the sovereignty of China,
- (2) to permit China to settle her internal problems without interference,
- (3) to promote equality of commercial opportunity in China,
- (4) to refrain from taking advantage of conditions in China to seek special privileges.

The evidence to be offered will show that from the date of the treaty until September 1931 Japanese pledges were reasonably observed. After September 1931 pronouncements of Japanese foreign policy became more and more irreconcilable with the commitments in the Nine Power Treaty. Each declaration of policy was designed to meet the exigencies of the moment. It was a policy of opportunity not of principle. The declared policy was designed to assist and make easier of accomplishment the actual policy, which will be

shown to be a policy of force and conquest.

Under pertinent treaty provisions each of the countries enjoyed equally with others certain extra-territorial rights in China. Japan had well defined but limited rights to maintain railway guards, not more than fifteen per mile, along the right of way of the South Manchuria Railroad. In addition, she had rights to station troops in certain areas of North China under the Boxer Protocol of 1901 and to land and station troops in international settlements at Shanghai and Kulangsu, and in any exclusive Japanese concession. No right existed to station troops outside the foregoing well defined limits.

The aggressions initiated at Mukden and the failure of Japan to confine and localize the incident in accordance with her promises, brought immediate, sincere and earnest protests from the Government of the United States. Specifically, Japan's conduct was declared to be of grave concern not only to the United States but the rest of the world. The objections were raised on moral, legal and political grounds. They involved violations both of the Nine Power Treaty and the Kellogg-Briand Pact. Thus arose the first conflict of policies between the United States and Japan.

4
From the beginning of the Manchurian aggression, Japan stated in her communications with the United States and the British Commonwealth that she had no territorial designs in Manchuria and expressed her sensibility of the friendly concern and fairness of views with which the American Government had observed the recent course of events in Manchuria.

As the Mukden Incident expanded into aggressive military domination of the whole of Manchuria, both the United States and the British Commonwealth followed an announced policy of peace and of adherence to treaty obligations. Diligent efforts were made to have Japan follow a like course. The United States, although not a member of the League of Nations, integrated its efforts to this end with those of the League. Notwithstanding Japan's professed desire for friendly relations with China, her military operations continued until Manchuria was conquered. The puppet government of Manchukuo was set up. Both the United States and Great Britain refused to recognize this puppet government. As has been shown, the League of Nations condemned Japan's aggressions in Manchuria. It will be shown that the United States

Secretary of State announced that the United States was in substantial accord with the findings and conclusions of the League.

The League of Nations set up, and the United States endorsed, principles for the settlement of the controversy between Japan and China. Japan talked much of settlement but never settled. The relations between Japan and the United States were disturbed of course by the aggressions in China.

In February 1934 the accused HIROTA, Japan's Foreign Minister, expressed to Secretary Hull a desire for peaceful diplomatic relations, stating that there was no question between the nations "that is fundamentally incapable of amicable solution." Secretary Hull responded cordially. Notwithstanding this gesture, however, in less than one month AMAU, Chief of the Information Bureau of the Japanese Foreign Office, proclaimed the "hands off China" policy, setting up Japan as the political guardian and economic entrepreneur of China. Other powers were warned against any undertaking prejudicial to Japanese interests. By this declaration the Japanese arrogated to themselves a position in China for which there was no basis under existing treaties. The British

Commonwealth and the United States made earnest though not violent objections. However, both gave more credit to Japanese reassurances at the time than later developments justified.

5 In 1934 Japan gave notice of her intention to withdraw from the Washington Naval Treaty.

6 In 1935 Japan withdrew from the League of Nations. Thereafter her conquests extended beyond Manchuria by an invasion and complete occupation of Jehol Province and Eastern Inner Mongolia and by an advance into Hopei Province south of the Great Wall.

Even before Japan withdrew from the Washington Naval Treaty, her naval experts had come to recognize the aircraft carrier as a fighting unit of the most advanced offensive type. Admiral YAMAMOTO, on 29 October 1934, stated that Japan should not be suspected of aggressive designs in the Far East. He cited as proof Japan's willingness to give up the building of carriers which he characterized as the best type of weapons for expansion and aggression. On 15 January 1936 the accused Admiral NAGANO stated that the aircraft carrier is the principle type of aggressive

naval arms. I quote: "In order to establish as complete a state of non-aggression and non-menace as possible, we advocate . . . abolition of aircraft carriers . . ."

Statistics of naval construction are difficult to obtain. But it appears probable that between the date of that statement and 7 December 1941, Japanese carrier construction exceeded that of the rest of the world.

By withdrawing from the London Conference, Japan thereby severed her last connection with the Naval Agreement of the Western Powers. Although France, Great Britain and the United States entered into an agreement with reference to naval strength, Japan declined to adhere to that treaty and proceeded with feverish haste to increase her armaments. At the same time, she refused to divulge to the other powers facts concerning her naval construction. By the evidence which we shall produce it will be made apparent that the withdrawal both from the League of Nations and from the Five Power Naval Treaty were steps in the preparations for large-scale, aggressive warfare. It is difficult to reconcile such preparations with a peaceful intent.

Throughout the period from the Mukden Incident in September 1931 to the outbreak of the more extensive

operations in China in July 1937, the attitude of the United States and the British Commonwealth toward Japan had been restrained, tolerant and peaceful. While insisting that Japan was acting in violation of existing treaties and protesting injuries to their nationals, these countries made no move or suggestion of warlike intent or of anything except a sincere desire that a peaceful settlement might be reached. Meantime, Japan, having gained the military domination of Manchuria, had consolidated and developed her political and economic position in that territory. She practically monopolized its economic resources. In so far as the British Commonwealth and the United States were concerned, the door to Manchuria was closed.

The United States at the time of the expansion of the China War in July 1937 at first attempted to concentrate on the protection of its own nationals and property and legal rights. On 16 July 1937 Mr. Hull, the United States Secretary of State, announced the position of the United States to be that it constantly and consistently advocated maintenance of peace; that it advocated abstinence by all nations from the use of force and from interference with the internal affairs of

other nations; and that it advocated the adjustment of problems in international relations by a process of peaceful negotiation and the observance of international agreements.

The United States Government attempted to point out to Japan the irreparable harm done to all Governments concerned by the situation which existed in China. Nevertheless, Japan continued to advance. The fighting spread to Shanghai. The first American lives were taken and property damaged in that area.

① On 5 October 1937 in his speech at Chicago, President Roosevelt proclaimed to the world the intention of the United States to do all within its power to preserve peace and by every practicable measure to avoid involvement in war. The United States and the British Commonwealth adhered to that policy. They still refused to charge that the conquest of a country by military force was taking place in China.

④ On 6 October 1937 the League of Nations adopted a resolution declaring that Japan's actions were not justified on the basis of self-defense and were in contravention of treaty obligations. On the same date

the United States Secretary of State directed attention to the fact that the action of Japan in China was inconsistent with the principles which should govern the relationship between nations and was contrary to the provisions of the Nine Power Treaty and of the Kellogg-Briand Pact.

9
On 27 October 1937 Japan refused the invitation to attend the Brussels Conference convened for the purpose of studying amicable means of hastening the end of the unfortunate conflict in the Far East. The treaty of 13 December 1921 and the Nine Power Treaty called for such a conference.

Meanwhile, Japan's armies continued their advances in China. British and American citizens were shot, many of them killed, their homes and properties bombed, shelled, burned and destroyed. On 12 December 1937 the American gunboat PANAY, while assisting in the evacuation of American Embassy officials from Nanking, was bombed and destroyed, together with three United States merchant vessels on the Yangtze River. Japanese fliers from the fleet air arm, bombed and machine-gunned the crews and passengers. American lives were lost in these attacks. On the same day, the Japanese

armies shelled the British gunboat LADYBIRD, causing extensive damage. British lives were lost in this attack. The ships were engaged in peaceful missions. They were where they had a right to be.

During the latter half of 1937 and all of 1938, the Japanese conquest of China continued. The burning of properties of citizens of the United States and Great Britain and attacks on these citizens continued. Several hundred complaints were made and claims for reparations were filed by the United States. Five hundred such claims were made by Great Britain alone.

During 1939-1940 the attacks on American and British nationals continued. Lives were lost. Much property was damaged and destroyed. The incidents mounted into the hundreds. Protests were made and claims were filed by both Governments. Japan sometimes evaded, sometimes ignored, sometimes attempted to explain, but the attacks continued. Attacks were made on hospitals and missionary establishments, plainly marked by the United States or British flags.

Japan was furnished with maps showing the locations of British and American owned properties, and, in par-

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ticular, hospitals and missionary establishments. No attention whatever was paid to these efforts to prevent attacks. A number of such institutions were attacked several times; one on sixteen separate occasions. These attacks were so frequent, so obviously not accidental, and made under such circumstances as to indicate that they were a part of a systematic plan, not only to conquer and rule China, but to drive all whites, in particular all Americans and British, out of China. The damage done in any one of these hundreds of attacks was much in excess of that claimed by Japan to have occurred at the time of the Mukden Incident. The lives and property of American and British citizens forfeited to these attacks far transcended in import the claim of the Japanese of the loss of a single soldier, which was used as the excuse for Marco Polo Bridge. Yet, neither the United States nor Great Britain took any military or naval action. They made neither demonstrations nor threats to do so. Over and over again they expressed so great an interest in a peaceful settlement of the war between Japan and China and of the recognition of treaty rights in China that they were willing to minimize the sufferings and loss of lives and property.

13
On 3 November 1938 Japan boldly proclaimed "A New Order in East Asia." She refused to permit continuance of "freedom of trade" which had existed pursuant to the policy of the "open door." She asserted preferential rights in China. This was in violation of existing treaties. The squeeze was on. The lot of non-Asiatics was to become more and more difficult. During this period it will be shown that Japanese air forces without provocation or excuse attacked the automobile in which the British Ambassador was riding. Japanese armed forces without provocation assaulted the American Consul at Nanking. Laws were passed and regulations adopted by Japanese authorities and Japanese sponsored regimes in China which prevented American and British nationals from continuing to engage in their long-established occupations.

Japan continued her aggressions and refused to respond to the remonstrances and appeals of the United States and Great Britain. Because of this, the relations of these two countries with Japan grew progressively worse. It became apparent that something more concrete than mere protests was required. Therefore, on 26 July 1939 the Government of the United States gave

a six months' notice to Japan as provided by the commercial treaty of 21 February 1911 announcing her intention to terminate that treaty.

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The aggressions of Japan in China, coupled with declarations of a "New Order in East Asia" were finally viewed by the American and British Governments as part of a plan of Japan politically to dominate the Pacific area, economically to exploit China for Japan's benefit to the exclusion of the interests of other countries, and socially to effect the destruction of personal liberties and the reduction of the conquered peoples to the role of inferiors. All of this was in violation of solemn treaties. Yet the United States and Great Britain made no threats, adopted no warlike attitudes, endeavored to negotiate for peaceful solutions.

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Japan sent troops of considerable strength into Indochina, occupied Hanoi and Haiphong. She gave false explanations in attempting to justify these moves. It finally became apparent that Japanese ambitions seemed to expand with each additional acquisition of territory. That the Philippines, Malaya, Thailand, the Dutch East Indies and Borneo were soon to be objectives was strongly

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indicated. These further military moves posed a direct and critical threat to the security of both the United States and the British Commonwealth. Neither threats nor hostile moves were made by either Government. Both attempted to reason with Japan and to persuade her to abandon her schemes of conquest. They would have realized how vain was this hope had they known that the occupation currency for the Philippines, Malaya, Thailand, the Dutch East Indies and Borneo was then concealed in vaults of the Bank of Japan. This invasion currency was processed under the top-secret orders of Intendance Bureau, War Ministry, and Finance Ministry, approved 24 January 1941. The first delivery actually went into the vaults of the Bank of Japan in May 1941 to be withdrawn under orders of the War and Navy Departments to finance war expenditures.

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That Japan was not greatly interested in the preservation of peace is further indicated by her secret plotting with Germany in the spring of 1941 to attack the British at Singapore and to seize the Philippine Islands. At the same time, protracted conversations, initiated by Japan, were proceeding with the United States. These conversations on their face were designed

to explore both the differences arising out of the war in China and the possibilities for a peaceful settlement of Pacific and Asiatic problems.

At the very beginning of the conversations, 16 April 1941, Mr. Hull informed the Japanese Ambassador that the purpose of the discussions should be to explore the question of improving the relations between the United States and Japan. Mr. Hull stated that the United States had been proclaiming and practicing certain principles on which relations between nations should rest. I quote:

- "1. Respect for the territorial integrity and the sovereignty of each and all nations.
2. Support of the principle of non-interference in the internal affairs of other countries.
3. Support of the principle of equality, including equality of commercial opportunity.
4. Non-disturbance of the status quo in the Pacific except as the status quo may be altered by peaceful means."

The Secretary made it perfectly plain that the conversations should relate to matters within the framework of these principles.

Looking backward in the light of subsequent events it is not unreasonable to conclude that Japan in fact either sought to obtain from the United States recognition of her right to occupy and to conquer at her own caprice or to lull the United States and Great Britain into a sense of security while she made secret preparations and determined upon the most advantageous time to make further aggressive moves. It must have been obvious to these accused that there was no possibility that either the United States or the British Commonwealth would enter into any agreement which would recognize, ratify, or assent to Japan's right to retain the spoils of her aggression and to proceed further with her conquests. The evidence is plenary that Japan, acting through these accused and others of like purpose, never intended to stop or to turn back.

It should be noted, as the Tribunal gives consideration to these conversations, that each position assumed by the United States and every demand made was not only an effort to get Japan simply to recognize and comply with her solemn treaty obligations, but was in accordance with the rights and obligations of the United States and the British Commonwealth under those treaties.

With great respect we call the Tribunal's attention to what we think the evidence will show to be the fundamental differences in the viewpoints of the countries involved. The United States and the British Commonwealth took the position that all problems of consequence could be solved by simply observing the existing treaty provisions. These countries insisted that Japan's claim to the rights conferred under the treaties carried an obligation equally strong to perform the duties required. Japan, on the other hand, claimed rights greatly in excess of those conferred and refused utterly to recognize the duties imposed. There was no claim in the conversations that the United States or Great Britain were not living up to their treaty commitments. Japan's purpose seems to have been to explore the question of how fast and how far she could go in her aggressive moves.

This brings us to the middle of the fateful year 1941 and to an acceleration of Japan's plans for war.

By 1 June 1941, the conquest and occupation of France was complete. The German submarine blockade was near the peak of its effectiveness. The tonnage of ships being sunk in the Atlantic was increasing under

the intensification of Germany's submarine blockade. The United States was known to be unprepared for war. On the 22nd of that month Germany attacked Russia. The struggle was desperate, the question, whether Russia could survive.

With this factual background, liaison conferences were held daily in Tokyo, beginning on 23 June and ending 30 June. These conferences determined future Japanese national policy. On 2 July 1941, following these liaison conferences, an Imperial Conference was called at the request of War Minister TOJO.

It was there decided that the Japanese national policy, in view of the "changing situation" would be based on three main points:

- (1) That Japan would continue its endeavor to dispose of the China Incident;
- (2) That Japan would establish the Greater East Asia Co-Prosperity Sphere, regardless of how the world situation might change;
- (3) That measures would be taken by Japan to advance southward.

It was determined that Japan would attain these ends, even if it meant war with the United States, Great Britain and The Netherlands. General preparations were made for war with these nations. The military preparations in question proceeded on a large scale and included the calling up of more than one million reservists and conscripts.

" SURVIVING ACCUSED "

The surviving accused present at the preliminary liaison conferences, where the real decision was made, were HIRANUMA, TOJO, NAGANO, MUTO and OKA. The same persons, with the substitution of SUZUKI for MUTO, attended the Imperial Conference.

There were some, including MATSUOKA, the Foreign Minister, SHIRATORI and others, who were in favor of Japan's immediately joining in the war against Russia on the German side, either before or simultaneously with any advance to the South. But for the time being and in spite of repeated renewals of the proposal and assurances to Germany that such a plan would be carried out, the preference for southward expansion prevailed and continued to prevail.

On 16 July owing to differences of opinion between

KONOYE and MATSUOKA, the exact cause of which is obscure, the second KONOYE Cabinet (in power since July 1940) resigned, and the third was constituted with TOYODA as Foreign Minister in place of MATSUOKA. HIRANUMA remained in the Cabinet, but as Minister of State without Portfolio instead of Home Minister. TOJO continued as War Minister with KIMURA as Vice Minister and SUZUKI remained Minister of State and President of the Planning Board.

From some date, at least as early as 18 June, we now know negotiations were in progress by which German aid was sought and obtained to compel the Vichy Government to admit Japanese troops into Southern Indochina. Troops had been stationed in Northern Indochina for several months. Japan's intention was to occupy the country by force if Vichy did not agree. This policy was initiated by the second KONOYE Cabinet and ultimately came to fruition under the third. This, in spite of warning by NOMURA as to the disastrous effect it would have upon the Japanese-American conversations in Washington.

During July the American Government received reports that the movement of a large number of troops into

Southern Indochina was imminent. This military movement brought into the open the threat to the Philippine Islands, British and Dutch possessions in the Western Pacific area, as well as vital trade routes essential to the industrial life of the United States, the British Commonwealth and The Netherlands.

These reports were immediately brought to the attention of the Japanese Ambassador. The inconsistency was pointed out between such a movement and the conversations which were then proceeding in Washington. Information was requested as to the reported facts. At first the reports were flatly denied. But on 23 July the Japanese Ambassador, by way of further reply, stated that Japan needed to secure an uninterrupted source of supplies and raw materials and that it was also necessary to insure against the military encirclement of Japan.

Japanese documents, to be tendered in evidence, however, will prove conclusively that the intention was to provide a base for further operations, particularly against Singapore and Siam.

Acting Secretary of State Welles replied and pointed out the fallacy of the explanation offered.

He said that the United States could only regard the action of Japan as proceeding from a policy of expansion and conquest in the region of the South Seas.

Also, on behalf of the Secretary of State, he told the Japanese Ambassador that under these circumstances, the Secretary could not see any basis for pursuing further the pending conversations. Accordingly, the conversations were temporarily suspended.

On 27 July President Roosevelt made a proposal to the Japanese Government that Indochina be regarded as a "neutralized" country. Obviously, this would assure Japan of a source of food supplies and other raw materials.

The Japanese Government refused to accept the President's proposal. Large Japanese forces moved into Southern Indochina.

This military movement was but a follow-up of the plan begun at Mukden, extended northward through Manchuria, then southward to Nanning on the mainland and Hainan Island, leaving Chinese territory for a distance of 2400 miles in the military, political and economic control of Japan. The evidence already in and to be presented discloses that treaty obligations were com-

pletely disregarded. Protests almost without number were useless. Japan was mobilizing all forces at her command for the purpose of extending, by force of arms, her dominions throughout the Pacific area. Finally, in order that the resources under the control of the United States might not be used by Japan for these aggressive purposes, the President on 26 July issued an order freezing assets of China and Japan. Britain and The Netherlands immediately took similar steps. As a result, there was a virtual cessation of trade between Japan and the other countries named, including exports of oil, on which an embargo was shortly afterwards placed.

It is important to observe that these measures by the United States, the British Commonwealth and The Netherlands did not precede the aggressive action of Japan in Indochina, but followed as a consequence. Japanese apologists afterwards endeavored to treat these measures as in the nature of hostile acts and as forming a justification for the ultimate treacherous attacks by Japan. So it is vital to get them in their proper perspective.

On 8 August, the Japanese Ambassador in Washington, inquired as to whether it might not be possible for the responsible heads of the two Governments to meet for the purpose of discussing means for reaching an adjustment of views.

On 28 August the President was given a message from the Japanese Premier, Prince KONOYE, urging that a meeting of the heads of the two Governments be arranged to discuss all important problems covering the entire Pacific area. Accompanying this message was a statement containing assurances, and I quote:

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

"Furthermore, in order to remove all possible doubt in this regard, the Japanese Government reaffirms herewith its repeated declaration that its present action in Indo-China is not a preparatory step for military advance into neighboring territories."

The statement contains this further assurance, and I quote:

"It is also stated by the United States Government

that no proposals or suggestions affecting the rights and privileges of either the United States or Japan would be considered except as these might be in conformity with the basic principles to which the United States has long been committed. The fundamental national policy long cherished by the Japanese Government is again in full agreement on that point.

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

When these assurances were given, the Japanese Foreign Office knew that the United States had not changed its foreign policy. Prince KONOYE knew that the four points stated by Mr. Hull in April constituted the cornerstones of that policy.

The President, in his reply on 3 September, sugges-

ted that there take place immediately in advance of the proposed meeting and as a necessary step precedent thereto, preliminary discussions on fundamental and essential questions on which agreement was sought.

On 6 September the Japanese Ambassador presented a new draft of proposals which contained much narrower assurances than those given in the statement communicated to the President on 28 August. Japan, in this statement, offered to agree and I quote: "That Japan will not make any military advancement from French Indo-China against any of its adjoining areas, and likewise will not, without any justifiable reason, resort to military action against any regions lying south of Japan," and further in the same statement, and I quote: "That the economic activities of the United States in China will not be restricted so long as pursued on an equitable basis"; and in the same statement, the United States was asked to agree, and I quote: "That the United States will suspend any military measures in the Far East and in the Southwestern Pacific Area," and a final provision calling for rescission of the freezing order. The practical effect of these requirements would be:

- (1) That Japan retain its military control over the whole of Indochina with no limitation whatever on the number of troops stationed there;
- (2) That Japan would be the judge as to whether there was justifiable reason for military action against the regions lying south of Japan;
- (3) That Japan would determine whether economic activities of the United States were carried on in China on an equitable basis;
- (4) That the United States should abandon all efforts to strengthen its defenses in the Philippines and other places in the Far East. But the words used, and I quote, "suspend any military measures" could easily be construed to prevent the supplying of bases already established in the Far East and might require their actual abandonment on that account;
- (5) That the United States would cease all military aid to the Republic of China;
- (6) That the rescission of the embargo and freezing

orders would permit Japan to obtain iron and aviation gasoline in order to intensify its military preparations.

On this same date, 6 September, War Minister TOJO and a military group desirous of waging immediate war on the United States, Great Britain and The Netherlands, caused another Imperial Conference to be called. At this Imperial Conference it was decided that the military group would go forward with preparations for war and if the pending conversations had not terminated in a manner satisfactory to Japan by the middle of October, that Japan would attack. The accused present were TOJO, NAGANO, MUTO, OKA and SUZUKI.

The attention of the Tribunal is called to the fact that the United States never sought to make time the essence of the conversations; never fixed any deadline. But as the hours of peace ran out, it was Japan that kept watching the clock. The Japanese diplomatic cloth was being cut to the pattern of a military uniform.

On 25 September the Japanese Government presented to Ambassador Grew a complete new draft of proposals and urged that an early reply be made thereto. Among

the commitments the United States was asked to make was the following, and I quote: "In case the United States should participate in the European War, Japan would decide entirely independently in the matter of interpretation of the Tripartite Pact between Japan, Germany and Italy, and would likewise determine what actions might be taken by way of fulfilling the obligations in accordance with the said interpretation." Thus, the United States was asked to endorse and approve the right of Japan to make war on the United States according as Japan might determine her obligations to be under the provisions of the Tripartite Pact.

An additional proposal that looked innocent enough by itself unless understood in relation to other facts was the following, and I quote: "Both Governments guarantee each other that they will, as the first of the measures envisaged in the preceding paragraph, discontinue immediately the measures of freezing assets now being enforced, and that they will supply mutually such commodities as are, respectively, available and required by either of them." From the evidence already in and to be presented, it is apparent that Japan was only waiting for a sufficient backlog of military supplies,

especially steel and aviation gasoline, prior to launching her attack on the United States and the British Commonwealth. Agreement to the provision above quoted would have required the United States to furnish these materials because they were available in the United States.

On 2 October the Secretary of State gave to the Japanese Ambassador a memorandum reviewing significant developments in the conversations and explaining the attitude of the United States towards various points in the Japanese proposals which did not appear to be consistent with the principles to which the United States was, and had been committed. The four cardinal points which formed the foundation of the American Government's relations with other nations were again listed as follows:

1. Respect for the territorial integrity and the sovereignty of each and all nations.
2. Support of the principle of non-interference in the internal affairs of other countries.
3. Support of the principle of equality, including equality of commercial opportunity.

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

It may be observed that this was but an exact repetition of the statement made by the President to Ambassador NOMURA on 3 September 1941. It will be further observed that these same four identical points were given to Ambassador NOMURA by Secretary Hull on 16 April 1941 as forming the basis of preliminary conversations looking toward a reconciliation of views with respect to the settlement of Pacific questions.

As the middle of October approached, some of those (including KONOYE), who had been parties to the decision of the Imperial Conference of 6 September, became alarmed and after a bitter quarrel (the details and parts played by personalities will be shown in the evidence) the third KONOYE Cabinet resigned. As had, by this time, become the custom, KIDO as Lord Keeper of the Privy Seal summoned a conference of Senior Statesmen with whom he consulted as to the advice which he should give the Emperor on the choice of a successor. The Lord Keeper with the active support of HIRATA, recommended TOJO. No one seems to have opposed. KIDO laid down two funda-

mental points: First, that the deadline of the middle of October set in the resolution of 6 September should be extended and the conversations continued meanwhile; and second, that a quarrel which had developed between the Army and Navy (really as to the chance of success of war against the United States and Britain) should be resolved. TOJO took office as Premier on the conditions specified by KIDO. The first was dealt with by extending the deadline from 15 October to 25 November and afterwards to 29 November; the second by appointment of the accused SHIMADA as Navy Minister in place of OIKAWA who had disagreed with TOJO. NAGANO who, at an earlier stage, had been pessimistic about the chances of war with the United States, seems to have changed his opinion. At all events he remained as Chief of the Naval General Staff. SUZUKI retained office in the Cabinet and as President of the Planning Board, and KIMURA as Vice Minister of War. The following accused joined the Cabinet as new members: TOGO as Foreign and Overseas Minister and KAYA as Finance Minister; HOSHINO became chief Secretary of the Cabinet and a Minister of State.

TOJO ①

KIDO ②

SHIMADA ③

NAGANO ④

SUZUKI ⑤

KIMURA ⑥

TOGO ⑦

KAYA ⑧

HOSHINO ⑨

The Japanese Government then became even more insistent in urging a quick decision on the Japanese proposals but still showed no willingness to effect any fundamental modification of the Japanese position.

With TOJO heading the Japanese Government as Premier, events moved rapidly towards war.

On 5 November an Imperial Conference was held and the Japanese national policy toward the United States, Great Britain and The Netherlands was reexamined. It was decided to begin hostilities as soon after 25 November as preparations could be completed. The accused taking part in this decision were TOGO, TOJO, KAYA, SUZUKI, SHIMADA, NAGANO, KIMURA, MUTO and OKA.

MUTO
OKA

Apparently, on the day of the Conference, Combined Fleet Top-Secret Operation Order No. 1 was issued providing for the Pearl Harbor attack and for combined fleet operations against the United States, Great Britain and The Netherlands. Two days later, Combined Fleet Top-Secret Order No. 2 was issued designating 8 December as Y-Day - the tentative day fixed for the attack. X-Day was to be fixed later as the actual day of the attack.

Order #1

This Pearl Harbor attack plan, known as the "YAMAMOTO Plan," the evidence will show, was formulated in the spring of 1941. It was used in the summer naval maneuvers of that year. The Japanese planes practiced coming in low over mountains similar to those at Pearl Harbor. Likewise, a shallow-water torpedo suitable for use in the waters of Pearl Harbor was perfected and used in the maneuvers.

Final work was done on the Pearl Harbor attack plans in war games which were held at the Japanese Naval War College in September 1941 and which were presided over by NAGANO as umpire.

On 10 November the order was given for all Japanese ships to complete battle preparations by 20 November and for a powerful Japanese task force to rendezvous at Tankan Bay in the Kuriles.

Early on 26 November the order was given, and I quote, "Attack Pearl Harbor." At 6 o'clock that morning the task force steamed east and then south to carry out that order.

Despite these various plans which were made to attack the United States, Great Britain and The Nether-

TANKAN BAY
KURILES

lands, the conversations which had been carried on between Japan and the United States since the spring of 1941 continued. In fact, as we will show, there came a time, certainly in the months of November and December, when the conversations were obviously used as a screen to hide the Japanese plan to attack.

KURUSU On 20 November the Japanese Ambassador and Mr. KURUSU, who had been sent to aid him as a result of the Imperial Conference held on 5 November, presented another proposal to the Secretary of State. This proposal was of such an extreme nature that acceptance by the United States would constitute abandonment of its entire foreign policy and approval of Japan's many acts of conquest and aggression.

On 26 November the Secretary of State made a reply to the Japanese representatives in the form of two documents; the first, an outline in a tentative form of a proposed basis of agreement between the United States and Japan, and, second, an explanatory statement in regard to it. The document proposed that if Japan were really interested in a settlement of all Pacific questions, it could be done by accepting the four points given by Mr. Hull on 16 April as a basis for exploratory conver-

sations, repeated on 3 September and 2 October, and suggestions for the implementation of these four points.

Although it later appeared that the Japanese Government, lacking other excuses, treated this 26 November proposal as preventing any peaceful settlement of the questions involved in the conversations, specific instructions were given by Foreign Minister TOGO to their emissaries to be certain to have the conversations continue. In fact, Japanese representatives kept up the appearance of carrying on the conversations until after the attack began.

Between 28 November and 1 December inclusive, meetings were held at which the final plans for war with the United States, the British Commonwealth and The Netherlands were again reviewed. There was a liaison conference on 28 or 29 November attended by the following accused: TOGO, TOJO, KAYA, SUZUKI, SHIMADA, NAGANO, HOSHINO, MUTO and OKA. On 30 November the accused NAGANO and SHIMADA assured the Emperor of the Navy's readiness for war and of their confidence in success. Thus the Army and Navy seemed to have reconciled their differences of opinion. Both were ready to take the final plunge. On 1 December the

ToGo

VG

ToGo

Tojo

Kaya

Suzuki

Shimada

Hoshino

Muto

Oka

final Imperial Conference and Cabinet Meeting were held. At the former the following accused were present: TOGO, TOJO, SHIMADA, KAYA, SUZUKI, NAGANO, HOSHINO, MUTO, OKA; and at the Cabinet Meeting, TOGO, TOJO, SHIMADA, KAYA, SUZUKI and HOSHINO. There seems to have been no dissent in either of these meetings from the decision for war. X-Day was fixed for 8 December, Tokyo time, 7 December, Pearl Harbor time.

In these circumstances, it became extremely important to decide what notice, if any, should be given of the approaching attack. The controlling purpose was to have the initial assault a complete surprise. The Cabinet discussed the type of message to be sent. NAGANO and SHIMADA wanted to attack without any message. All were anxious to achieve the results of a surprise attack. The Hague Convention III requiring a declaration or an ultimatum seems to have been without friends at the meeting. Prima facie the duty of drafting the document and directing the time of its delivery was TOGO's. The document delivered speaks for itself. It is not a declaration of war. It is not an ultimatum. It was not delivered until an hour after the attack on Pearl Harbor began. As to which of these accused knew

of these facts in advance or were directly responsible for them, we have their own statements, which are extremely conflicting. We shall place them before you and leave you to judge from these statements and other testimony where the truth lies.

Meanwhile, from a date as early as 18 November, discussions had been in progress with Germany and later with Italy seeking agreement of these three countries that no separate peace would be negotiated. The agreements were made. Both Germany and Italy gave promise of military support in the struggle Japan was about to begin.

On 2 December the President directed that inquiry be made at once of the Japanese Ambassador and Mr. KURUSU in regard to the reason for continued Japanese troop movements and reinforcement in Indochina. On 5 December the reply was presented to Under Secretary of State Welles that the Japanese reinforcements had been sent as a precautionary measure against Chinese troops in bordering Chinese territory. This reply was presented on instructions from TOGO, although NOMURA had pointed out its utter inadequacy - one of many warnings which he gave to his superiors in Tokyo.

On 6 December TOGO dispatched to NOMURA the Japanese message, a lengthy document, with instructions that it was to be decoded and prepared with the utmost secrecy, but not to be presented until a separate order was received as to the time. On 7 December (Tokyo time - 6 in Washington), followed the instructions to deliver it at 1 P.M. on the 7th (Washington time). Before this document was delivered, namely, in the evening of 6 December, President Roosevelt telegraphed a personal appeal to the Emperor of Japan asking that the tragic possibilities in the situation be avoided.

At the time of the strike, both Britain and the United States were at peace with Japan. Between the United States and Japan, diplomatic conversations were in progress. There were no conversations between Japan and the British Commonwealth. The latter were indeed in close touch with the United States but Japan had no right to assume that the requirements of The Hague Convention III and other treaty provisions as to opening of hostilities could be omitted.

The exact sequence of events around the Pacific Basin at this fateful time is extremely important. For the convenience of the Tribunal and all taking part in

the Trial the sequence has been reduced to the form of a Time Chart. The basic time for the Chart is the time at Tokyo, from which center the duplicity in Washington and the actual attacks in the Pacific were planned and controlled.

While the Time Chart itself will be presented for the convenience of all concerned, the items upon it, however, have been numbered, and will be proved in accordance with that numbering.

It will be seen from the Chart that on the evening of 6 December, the Press was told in Washington at 7:40 P.M. about the proposed telegram from the President of the United States to the Emperor of Japan, and that at 8:00 P.M. Mr. Hull sent a telegram to Mr. Grew, American Ambassador in Tokyo, advising him that such a message was on the way.

At 9:00 P.M. the actual telegraphic message which, had it been delivered to the Emperor at once might have changed the course of history, was sent from Washington to Tokyo marked "Triple Priority," and, at the President's own request, in a code which could be easily deciphered.

An hour later this telegram reached Tokyo, where it was then 12 noon on 7 December. Yet before it was delivered into the hands of Mr. Grew no less than ten and a half hours of precious time had elapsed. Evidence will be called to prove that such a delay was a result of deliberate orders to the postal authorities to delay the delivery of all such telegrams by a period of five to ten hours.

Further evidence will be called to prove that the contents of the telegram were being freely communicated among the staffs of Government Departments by 6:00 P.M. that day, and probably for several hours earlier. Yet, as already stated, the telegram itself was not handed to Mr. Grew, who alone could effectively use it until 10:30 P.M. that night, a period of exactly ten hours over the normal time of delivery. Obviously, however, the Japanese Government could have acted upon it, if they had wished, as soon as they had decoded it. Furthermore, it will be proved that the Japanese Government had public as well as secret knowledge of the arrival of the telegram. At 3:00 P.M. that afternoon, the American Radio announced to the world that such a message was on the way. It is reasonable to suppose

the facts were known long before as a result of the Press announcement in Washington already mentioned.

At 9:00 P.M. that night, Mr. Grew received a telegram, also marked "Triple Priority," warning him that the President's message was on the way. He was therefore waiting for the message itself to be delivered when it arrived at 10:30 P.M. On receiving it, and while it was being decoded, he immediately telephoned the Japanese Foreign Minister TOGO, asking for an urgent appointment. A quarter of an hour after midnight he saw Foreign Minister TOGO, read the President's message to him, and gave him a copy which the Foreign Minister promised to place before the Emperor without delay.

At 12:45 A.M. on 8 December (Tokyo time) Japanese armed forces in strength occupied the Shanghai Bund, the water front which is in the British part of the International Settlement.

Less than an hour later, at 1:40 A.M. on the 8th December (Tokyo time), the Japanese invasion forces opened fire from the sea on the British beach defenses at Kota Bharu, on the northeast corner of British Malaya, inflicting substantial casualties.

While this invasion was proceeding, the Japanese Ambassador in Washington was asking Mr. Hull for an appointment at 1:00 P.M. (Washington time) but before that interview could take place, Japanese forces had landed at Kota Bharu and wiped out on the spot the whole of the small British force opposing them.

When 1:00 P.M. arrived in Washington, Ambassador NOMURA, instead of calling on Mr. Hull, asked for a postponement of the meeting to 1:45, which at Pearl Harbor was 8:15 on Sunday morning, 7 December. The attack on Pearl Harbor had begun at 7:55 A.M., 1:20 P.M. Washington, twenty-five minutes earlier than the suggested meeting. The attacks at Shanghai and Kota Bharu were unknown in Washington and Pearl Harbor.

The attack on Pearl Harbor was in execution of Combined Fleet Top-Secret Operation Orders 1 and 2 by the task force which left Takan Bay on 26 November. It was carried out by 360 carrier-borne torpedo, dive and horizontal bombing and strafing planes launched from six fast carriers at a point about 230 miles north of Pearl Harbor. The carriers were escorted by two of the most powerful battleships afloat, a number

of cruisers, destroyers and auxiliary naval units.
This task force was probably the most powerful ever assembled up to that time. So great was the temporary success achieved by the attack without declaration and without warning that four battleships of the American fleet were sunk; four, severely damaged; three cruisers, heavily damaged; three destroyers, heavily damaged; two other naval vessels, sunk and two badly damaged. The United States Navy lost 1999 officers and men killed, among them Admiral Kidd. The Marine Corps lost 109 killed. The Army lost 234 killed. The civilians killed in the attack numbered 54. The United States lost 188 planes, most of them on the ground. The wounded were numerous. The damage to shore installations was heavy.

As against this the attacking force, which, under equal conditions, usually pays the severer penalty, lost 28 planes and 5 midget suicide submarines, which were never expected to get back to their mother ship. The Japanese killed and wounded all told were fewer than one hundred, all from the submarines and the attacking planes.

At five minutes past two in Washington, the Japanese Ambassador arrived at the office of the Secretary of State and at 2:20 P.M. entered his room.

The attack on Pearl Harbor had been under way for one hour. The Japanese Ambassador handed to the Secretary of State the document already described. Not even a copy of this document was handed to the Foreign Secretary in London.

By 5:20 A.M., Tokyo time, the Japanese forces had completed the occupation of the water front in Shanghai. Heavy howitzers were dragged into position and began shelling ships in the harbor. About 5:25 A.M., Tokyo time, they opened fire on a British gunboat, which soon went down with many casualties.

While this shelling was in progress at Shanghai, Japanese troops forced their way into Siam from Indochina. The demand for permission to enter with an ultimatum attached was not delivered to the Siamese Government until several hours after the invasion began.

At 6:10 A.M. there was an air raid on Singapore.

At 7:00 A.M., although these violent hostilities had been in progress since midnight, the Japanese radio in Tokyo made the first public announcement that hostilities had in fact begun.

At the same time, Mr. Grew was awakened by a telephone call from the Japanese Foreign Ministry, asking him to call there at once. He arrived at 7:30 A.M. Foreign Minister TOGO claimed that he had seen the Emperor at about 3:00 A.M. He then handed to Mr. Grew a copy of the document delivered to Mr. Hull in Washington three hours before. He stated to Mr. Grew that the document was the Emperor's reply to the President's message. This was not true, however, as the purported reply had been sent to the Japanese representatives in Washington two hours before the President's message to the Emperor left Washington and at least twelve hours before it was delivered to Mr. Grew in Tokyo.

Half an hour later, at 8:00 A.M., Sir Robert Craigie, British Ambassador in Tokyo, was summoned to the Foreign Ministry and was there handed a copy of the same document which the Foreign Minister had delivered to Mr. Grew.

It is to be noted that neither Mr. Grew nor Sir Robert Craigie knew of the Japanese radio announcement of the opening of hostilities made at 7:00 o'clock that morning until after their visit to Foreign Minister TOGO. The Japanese Foreign Minister did not disclose that their respective countries were actually at war.

While Sir Robert Craigie was receiving a copy of this document, the Japanese were making an air attack on Guam, and an hour later another on Hong Kong, where plainly marked Russian vessels in the harbor were attacked.

At about noon, twelve hours after the Japanese had commenced hostilities an Imperial Rescript was issued to the effect that a state of war then existed between Japan, the United States of America and the British Commonwealth of Nations.

In a speech made on the same day as the proclamation of the Imperial Rescript, Prime Minister TOJO excelled himself in reversing the facts. According to him, Japan had only attacked the Allied Nations in self-defense, after making every possible effort to avoid war. The Allied Nations, according to him,

had made intolerable demands on Japan and had refused to make the slightest concession in favor of her most reasonable requirements. This speech was in line with the propaganda through the controlled press releases and radio broadcasts which had become a part of war preparations. Facts were concealed and distorted and much false information given in order to prepare the public mind for war.

Such was the mental and emotional attitude of the Japanese people at the outbreak of hostilities. Their homes by the hundred thousands and their lives by the millions were soon to be offered up to the gods of war to satisfy the ambitions of these accused in the hey-day of their power.

The records of the Privy Council of 10 December show the decision of the Government to ally Japan still more closely with the totalitarian bloc in Europe. On the following day the announcement of the new Tripartite Agreement, already in evidence as Exhibit 51, was made. The Agreement stipulated that neither of the three Powers should make a separate peace until the joint war against the United States and the British Commonwealth was successfully concluded.

TOGO

It is interesting to observe that the question of a breach of The Hague Convention III soon began to trouble some of the accused who were members of the Japanese Government at that time and particularly TOGO, the Foreign Minister. We find in the Japanese Foreign Office a report on this subject compiled by the Second Section of the Treaty Bureau of the Foreign Ministry with the aid of certain Japanese lawyers. As this particular report bears the date 26 December 1941 the inquiry must have been ordered immediately after the outbreak of war. This document, we shall put in evidence. It would tend to amuse, were the subject less tragic.

The Committee came to the conclusion that it was difficult to regard as a declaration of war the document handed to the United States Secretary of State because it included no preliminary notice of taking independent action or of opening hostilities. This would appear to conclude the matter, but they solemnly discuss the practicability of contending that the question is to be governed, not by the real time at which the attacks and the subsequent real declaration of war took place, but by the nominal time, that is,

ignoring the fact that actual time varies according to longitude. They abandoned this argument as being too difficult to justify. The next suggestion is that they might contend that the A, B, C, D Powers had themselves started hostilities by a rupture of economic relations in July, but decided that this contention is practically absurd - a conclusion from which we need not differ. They then fall back on the argument which they describe as not unpalatable, that, as the Treaty names no time which is to elapse between the delivery of the declaration and the opening of hostilities and specifies no place for delivery, it can not in any case achieve its object and may, therefore, be entirely ignored. However, on further examination they do not appear willing to rely on this argument. Finally, they conclude that the best line of justification is to say that the existence of Japan was endangered, she was acting in self-defense, and was entitled to ignore this and all other treaties.

Thereafter, the tide of Japanese conquest flowed west and south, until it was halted at the gates of India and Australia. The course of this movement, as well as the vast expanse of territory engulfed by it,

has already been shown to the Tribunal with the aid of the enlarged maps on the wall of this Temple, shown in the early days of this Trial. In particular, those for the period 1941-1945 show more graphically than any words the aggressive purpose of Japan and the extent of the territory over which she planned domination.

That the plan existed and the means of its partial consummation were boldly set forth in speeches by the accused TOGO, TOJO and SUZUKI in the Diet on 29 January 1942. The speeches were made at a time when the speakers were unhampered by diplomatic negotiations. There were then no inducements to deceive. These speeches were considered so important that they were summarized by the German Ambassador in Tokyo to his Government on the same day. The speeches themselves as well as the summary will be offered in evidence. The German Ambassador points out that these declarations are especially noteworthy because of their systematic character and the stage of success which had then been reached by Japan in the initial operations of the war. East Asia was to be built up of Japan, Manchukuo and Nanking, China, which were to form the core of the new organization. Thailand and

Indochina, if they cooperated, might also be included. The remaining lands of Greater East Asia were to fall into three categories. The first, consisting of Hong Kong and the Malay Peninsula, were to come under the complete control of Japan. The second consisted of areas to which independence would be granted if they cooperated, namely, the Philippines and Burma. Their independence was to be on the pattern of Manchukuo. Additional evidence as to how much independence that amounted to will be shown by telegrams from the Foreign Office immediately before Pearl Harbor. In these TOGO gave precise instructions, contradicting those he had given a few days previously, as to the action Manchukuo was to take on the outbreak of war with the United States and the British Commonwealth. In the third category were areas which were to be placed under military rule if they showed themselves to be hostile, namely, the East Indies, Australia and Chungking, China.

The German Ambassador further reported that there was some difficulty about India as Japan could not conquer Australia and India at the same time and the Indian Congress appeared to be hostile. With regard

to Russia, he reported that while the accused TOGO had emphasized in his speech that relations with her were unchanged, according to strictly confidential information, military preparations against Russia were under way and hostilities were to start after the conquest of Port Darwin.

Such was the plan, and if not all of it was carried out, that was due to circumstances over which these accused had no control. The success achieved in the beginning resulted from long and careful planning. The resources of the nation were mobilized and expended with a lavish hand for the success of the plan.

In previous phases of this case ^① Japan's aggressions in Manchuria and in other parts of China ^② have been shown. Open declarations of the purposes and aims of those aggressions by several of the accused made from time to time beginning even before 1931 have been offered in evidence. The open announcement of Japanese ambitions for the formation of the so-called Greater East Asia Co-Prosperity Sphere ^③ has been shown. Documents showing negotiations resulting in the Anti- ^④

Comintern and Tripartite Pacts whereby Japan acquired active and like-minded allies are in evidence.

The evidence now to be presented, together with that already in, will show that events which led to war between Japan on the one hand, and the United States and Great Britain on the other, were but the foreseeable and natural consequences and culmination of the plots and plans in which the accused, some from the beginning, and others from various later dates, were engaged. The rapid conquest of Manchuria, the exploitation of her natural resources, the push into and exploitation of North China, and the attempt to conquer all of China, were studied and calculated moves on the part of these accused. The preparations of naval bases and fortifications of the Mandated Islands, the occupation of French Indochina, the armed invasion of Siam, were but milestones along their pathway of war. Pearl Harbor and Singapore were but tactical objectives. Grand strategy called for all of China, the Philippines, East Indies, Australia, New Zealand and India.

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE JAPANESE
MINISTER FOR FOREIGN AFFAIRS (HIROTA)

No. 796

TOKYO, September 17, 1937.

EXCELLENCY: I have the honor, by direction of my Government, to address to Your Excellency the following note:

"Since the beginning of the present fighting in China the American Government has received reports of attacks by Japanese armed forces in China upon American nationals and their property, including attacks upon American humanitarian and philanthropic establishments and upon the persons and property of non-combatants generally.

The American Government desires in particular to bring to the attention of the Japanese Government a recent attack on September 12 by Japanese planes on an American missionary hospital in South China, located at Waichow, Kwangtung Province. Information in the possession of the American Government indicates that three Japanese planes flew low three times over the mission compound where two large American flags were flying; that each time the planes dropped bombs all of which exploded seriously injuring personnel of the hospital as well as damaging the hospital and the residence, that there were no anti-aircraft guns at Waichow, and that the mission itself is two miles distant from any Chinese military encampment.

Attack upon non-combatants is prohibited both by long accepted principles and by established rules of international law. Also, attack upon humanitarian establishments, especially those which are lawfully under the flags of countries in no way party to military operations, have no warrant in any system of law or of humane conduct. The American Government, therefore, is impelled, in fulfillment of its obligations toward its nationals and on behalf of those fundamental principles of law and of morality which relate to the immunity of non-combatants and humanitarian establishments, emphatically to voice objection to such attacks and to urge upon the Japanese Government, which the American Government cannot believe approves of such disregard of principles, that effective steps be taken toward averting any further such attacks."

I avail myself (etc.)

JOSEPH C. GREW

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Br. Ex. 75

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (HIROTA)

No. 780

TOKYO, September 22, 1937.

Excerpts.

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The American Government objects both to such jeopardizing of lives of its nationals and of non-combatants generally and to the suggestion that its officials and nationals now residing in and around Nanking should withdraw from the areas in which they are lawfully carrying on their legitimate activities.

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In view of the fact that Nanking is the seat of Government in China and that there the American Ambassador and other agencies of the American Government carry on their essential functions, the American Government strongly objects to the creation of a situation in consequence of which the American Ambassador and other agencies of this Government are confronted with the alternative of abandoning their establishments or being exposed to grave hazards.

In the light of the assurances repeatedly given by the Japanese Government that the objectives of Japanese military are limited strictly to Chinese military agencies and establishments and that the Japanese Government has no intention of making non-military property and non-combatants the direct objects of attack, and of the Japanese Government's expression of its desire to respect the embassies, warships and merchant vessels of the Powers at Nanking, the American Government cannot believe that the intimation that the whole Nanking area may be subjected to bombing operations represents the considered intent of the Japanese Government.

JOSEPH C. GREW

Foreign Relations I, pp. 504-505

In view of the fact that Nanking is the seat of Government in China and that there the American Ambassador and other agencies of the American Government carry on their essential functions, the American Government strongly objects to the creation of a situation in consequence of which the American Ambassador and other agencies of this Government are confronted with the alternative of abandoning their establishments or being exposed to grave hazards.

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MEMORANDUM BY THE CHIEF OF THE DIVISION
OF FAR EASTERN AFFAIRS (HAMILTON) OF A
CONVERSATION WITH THE COUNSELOR OF THE
JAPANESE EMBASSY (SUMA)

Excerpts

(WASHINGTON,) September 25, 1937

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I referred to the recent Japanese bombing operations at Canton where, according to the reports, some 2,000 non-combatants had been killed. I said that I had noticed a statement in some newspaper to the effect that the Japanese military were very much surprised that reports were being sent from China to the effect that Japanese military operations were resulting in the death of non-combatants. I said that this killing of non-combatants at Canton, at Hankow, at Nanking and at various other places in China could not but create the most deplorable impression in this country and in other countries. . . .I said again that this whole matter of bombing non-combatants was deplorable and was creating a most unfortunate impression.

M(AWXELL) M. H(AMILTON)

Foreign Relations I, pp. 505-506

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Br. Ex. 77

RESOLUTION ADOPTED BY THE LEAGUE OF NATIONS
ADVISORY COMMITTEE ON SEPTEMBER 27, 1937

The Advisory Committee,

Taking into urgent consideration the question of the aerial bombardment of open towns in China, by Japanese aircraft,

Expresses its profound distress at the loss of life caused to innocent civilians, including great numbers of women and children, as a result of such bombardments.

Declares that no excuse can be made for such acts which have aroused horror and indignation throughout the world,

And solemnly condemns them.

Br. Ex. 78

PRESS RELEASE ISSUED BY THE DEPARTMENT OF STATE
ON SEPTEMBER 28, 1937

The Department of State has been informed by the American Minister to Switzerland of the text of the resolution unanimously adopted on September 27 by the Advisory Committee of the League of Nations on the subject of aerial bombardment by Japanese air forces of open towns in China.

The American Government, as has been set forth to the Japanese Government repeatedly, and especially in this Government's note of September 22, holds the view that any general bombing of an extensive area wherein there resides a large populace engaged in peaceful pursuits is unwarranted and contrary to principles of law and of humanity.

Foreign Relations I, p. 506

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Br. Ex. 79

PRESS RELEASE ISSUED BY THE DEPARTMENT OF STATE
ON JANUARY 31, 1938

Excerpt.

The Department of State on the evening of January 28, 1938, instructed the American Embassy at Tokyo to make oral representations to the Japanese Foreign Office with reference to the incident involving the slapping by a Japanese soldier of Mr. John M. Allison, third secretary of the American Embassy at Nanking, on January 26.

The Department instructed the Embassy at Tokyo orally to communicate the substance of Mr. Allison's telegrams of January 27 and 28 to a high officer of the Japanese Foreign Office and that in so doing there be emphasized that in weighing the gravity of the incident this Government takes into account the fact that the whole incident, including the slapping by a Japanese soldier of a diplomatic representative of the Government, is not an isolated case, but represents but one of and cannot be dissociated from a series of cases of irregular entry of American property and disregard of American rights by Japanese soldiers.

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961

Br. Ex. 57

ADDRESS DELIVERED BY PRESIDENT ROOSEVELT AT
CHICAGO ON OCTOBER 5, 1937

Excerpt.

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The political situation in the world, which of late has been growing progressively worse, is such as to cause grave concern and anxiety to all the peoples and nations who wish to live in peace and amity with their neighbors.

Some 15 years ago the hopes of mankind for a continuing era of international peace were raised to great heights when more than 60 nations solemnly pledged themselves not to resort to arms in furtherance of their national aims and policies. The high aspirations expressed in the Briand-Kellogg Peace Pact and the hopes for peace thus raised have of late given way to a haunting fear of calamity. The present reign of terror and international lawlessness began a few years ago.

It began through unjustified interference in the internal affairs of other nations or the invasion of alien territory in violation of treaties and has now reached a stage where the very foundations of civilization are seriously threatened. The landmarks and traditions which have marked the progress of civilization toward a condition of law, order, and justice are being wiped away.

Without a declaration of war and without warning or justification of any kind, civilians, including women and children, are being ruthlessly murdered with bombs from the air. In times of so-called peace ships are being attacked and sunk by submarines without cause or notice. Nations are fomenting and taking sides in civil warfare in nations that have never done them any harm. Nations claiming freedom for themselves deny it to others.

Innocent peoples and nations are being cruelly sacrificed to a greed for power and supremacy which is devoid of all sense of justice and humane consideration.

To paraphrase a recent author, "perhaps we foresee a time when men, exultant in the technique of homicide, will rage so hotly over the world that every precious thing will be in danger, even book and picture and harmony, every treasure garnered through two millenniums, the small, the delicate, the defenseless - all will be lost or wrecked or utterly destroyed."

If those things come to pass in other parts of the world let no one imagine that America will escape, that it may expect mercy, that this Western Hemisphere will not be attacked, and that it will continue tranquilly and peacefully to carry on the ethics and the arts of civilization.

If those days come "there will be no safety by arms, no help from authority, no answer in science. The storm will rage till every flower of culture is trampled and all human beings are leveled in a vast chaos."

If those days are not to come to pass--if we are to have a world in which we can breathe freely and live in amity without fear--the peace-loving nations must make a concerted effort to uphold laws and principles on which alone peace can rest secure.

The peace-loving nations must make a concerted effort in opposition to those violations of treaties and those ignorings of humane instincts which today are creating a state of international anarchy and instability from which there is no escape through mere isolation or neutrality.

Those who cherish their freedom and recognize and respect the equal right of their neighbors to be free and live in peace, must work together for the triumph of law and moral principles in order that peace, justice, and confidence may prevail in the world. There must be a return to a belief in the pledged word, in the value of a signed treaty. There must be recognition of the fact that national morality is as vital as private morality.

A bishop wrote me the other day: "It seems to me that something greatly needs to be said in behalf of ordinary humanity against the present practice of carrying the horrors of war to helpless civilians, especially women and children. It may be that such a protest might be regarded by many, who claim to be realists, as futile, but may it not be that the heart of mankind is so filled with horror at the present needless suffering that that force could be mobilized in sufficient volume to lessen such cruelty in the days ahead. Even though it may take twenty years, which God forbid, for civilization to make effective its corporate protest against this barbarism, surely strong voices may hasten the day."

There is a solidarity and interdependence about the modern world, both technically and morally, which makes it impossible for any nation completely to isolate itself from economic and political upheavals in the rest of the world, especially when such upheavals appear to be spreading and not declining. There can be no stability or peace either within nations or between nations except under laws and moral standards adhered to by all. International anarchy destroys every foundation for peace. It

jeopardizes either the immediate or the future security of every nation, large or small. It is, therefore, a matter of vital interest and concern to the people of the United States that the sanctity of international treaties and the maintenance of international morality be restored.

The overwhelming majority of the peoples and nations of the world today want to live in peace. They seek the removal of barriers against trade. They want to exert themselves in industry in agriculture, and in business, that they may increase their wealth through the production of wealth-producing goods rather than striving to produce military planes and bombs and machine guns and cannon for the destruction of human lives and useful property.

In those nations of the world which seem to be piling armament on armament for purposes of aggression, and those other nations which fear acts of aggression against them and their security, a very high proportion of their national income is being spent directly for armaments. It runs from 30 to as high as 50 percent.

The proportion that we in the United States spend is far less--11 or 12 percent.

How happy we are that the circumstances of the moment permit us to put our money into bridges and boulevards, dams and reforestation, the conservation of our soil, and many other kinds of useful works rather than into huge standing armies and vast supplies of implements of war.

I am compelled and you are compelled, nevertheless, to look ahead. The peace, the freedom, and the security of 90 percent of the population of the world is being jeopardized by the remaining 10 percent, who are threatening a breakdown of all international order and law. Surely the 90 percent who want to live in peace under law and in accordance with moral standards that have received almost universal acceptance through the centuries, can and must find some way to make their will prevail.

The situation is definitely of universal concern. The questions involved relate not merely to violations of specific provisions of particular treaties; they are questions of war and of peace, of international law, and especially of principles of humanity. It is true that they involve definite violations of agreements, and especially of the Covenant of the League of Nations the Briand-Kellogg Pact, and the Nine Power Treaty. But they also involve problems of world economy, world security, and world humanity.

It is true that the moral consciousness of the world must recognize the importance of removing injustices and well-founded grievances; but at the same time it must be aroused to the cardinal necessity of honoring sanctity of treaties, of respecting the rights and liberties of others, and of putting an end to acts of international aggression.

It seems to be unfortunately true that the epidemic of world lawlessness is spreading.

When an epidemic of physical disease starts to spread, the community approves and joins in a quarantine of the patients in order to protect the health of the community against the spread of the disease.

It is my determination to pursue a policy of peace and to adopt every practicable measure to avoid involvement in war. It ought to be inconceivable that in this modern era, and in the face of experience, any nation could be so foolish and ruthless as to run the risk of plunging the whole world into war by invading and violating in contravention of solemn treaties the territory of other nations that have done them no real harm and which are too weak to protect themselves adequately. Yet the peace of the world and the welfare and security of every nation is today being threatened by that very thing.

No nation which refuses to exercise forbearance and to respect the freedom and rights of others can long remain strong and retain the confidence and respect of other nations. No nation ever loses its dignity or good standing by conciliating its differences and by exercising great patience with and consideration for the rights of other nations.

War is a contagion, whether it be declared or undeclared. It can engulf states and peoples remote from the original scene of hostilities. We are determined to keep out of war, yet we cannot insure ourselves against the disastrous effects of war and the dangers of involvement. We are adopting such measures as will minimize our risk of involvement, but we cannot have complete protection in a world of disorder in which confidence and security have broken down.

If civilization is to survive the principles of the Prince of Peace must be restored. Shattered trust between nations must be revived.

Most important of all, the will for peace on the part of peace-loving nations must express itself to the end that nations that may be tempted to violate their agreements and the rights of others will desist from such a cause. There must be positive endeavors to preserve peace.

America hates war. America hopes for peace. Therefore, America actively engages in the search for peace.

968

THE AMERICAN AMBASSADOR IN JAPAN (GREW)
TO THE JAPANESE MINISTER FOR FOREIGN
AFFAIRS (HIROTA)

No. 874

TOKYO, January 31, 1938

(Excerpt)

*custom
revision*

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The American Government has recently received information from its representatives in China to the effect that a provisional regime in Peiping has caused a revision to be made of Chinese customs rates on certain articles entering into the foreign export and import trade of North China. My Government, regarding the Government of China as the only authority which can legally cause a revision to be made in the Chinese customs tariff, is constrained to invite the attention of the Japanese Government to this arbitrary and illegal assumption of authority by the provisional regime in Peiping and to point out that the action of the provisional regime may have a seriously adverse effect upon the integrity of the Chinese customs, with regard both to administration and to revenues, and that the revision of rates does violence to the principle of a uniform Chinese tariff at all ports.

The Japanese Government shares with the American Government and with other Governments a long established and well recognized interest in the integrity of the Chinese customs administration, and the American Government has expressed its confident belief that the Japanese Government reciprocates the earnest desire of the American Government that the integrity of the Chinese customs be respected. The action of the provisional regime at Peiping in revising rates of duty seriously threatens the integrity of the customs. For the creation and the acts of the provisional regime the Japanese Government has an inescapable responsibility; and when those acts are of a character, as in the case of the revision of the rates of duty, which affect the interests of foreign Governments, it is to the Japanese Government that those Governments must address their representations.

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219-52

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Br. Ex. 80

THE AMERICAN AMBASSADOR IN JAPAN (GREW)
TO THE JAPANESE MINISTER FOR FOREIGN
AFFAIRS (HIROTA)

No. 872.

TOKYO, February 4, 1938.

EXCELLENCY: I have the honor to refer to my note no. 866, of January 17, 1938, and, under instructions from my Government, to inform Your Excellency that numerous complaints are being received by the American Government of the utter disregard shown by Japanese armed forces in China for American property. Among such cases are:

Looting

SOOCHOW: According to American missionaries who visited Soochow a number of times between November 21 and December 21, on November 24 they found that property of the Baptist Mission had been broken into and thoroughly looted, and they observed Japanese soldiers looting the ladies' home and school buildings. On the same day these missionaries inspected the American Presbyterian Mission Hospital, saw one building burning, and found that the administration building had been looted. They inspected the Methodist Episcopal Mission Hospital, and found that the lower floor of the doctor's residence had been looted, and saw Japanese soldiers engaged in looting the upper floor. On November 26 they inspected property of the American Church Mission in company with Japanese officers detailed by military headquarters, and they saw three Japanese soldiers on the premises engaged in looting. They inspected Soochow Academy property and found the principal's and treasurer's offices thoroughly looted, and all safes and filing cabinets broken open. They found also that one foreign residence had been thoroughly looted, and that the Church had been broken into and vestments looted or strewn about in great disorder. On December 1 they found Japanese soldiers in the treasurer's office in the Yates Academy, trying to break open the safe. On visiting the office the following day they found that the safe had been broken open. They also saw soldiers loading loot from Baptist residences and school buildings.

According to Bishop Arthur J. Moore, in charge of the missions of the Methodist Episcopal Church, South, in China, who had visited Soochow, where the Mission has large holdings, including Soochow University and Laura Haygood School for Girls, all the buildings had been looted, four buildings had been bombed, and Japanese

Br. Ex. 80

were occupying other buildings, using the new chapel of Laura Haygood School for Girls as a stable.

HANGCHOW: Reports from missionaries at Hangchow indicate that on December 26 Japanese soldiers entered three American residences, on which American flags were flying and on which American consular proclamations and notices issued by the Japanese military police had been posted, and stole money, jewelry, and other articles. On December 27 Japanese soldiers again entered the same residences and stole property.

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JOSEPH C. GREW

Foreign Relations I, p. 578

990

Doc. No. 219F (81)

Page 1

Br. Ex. 115

THE AMERICAN EMBASSY IN JAPAN TO THE
JAPANESE MINISTRY FOR FOREIGN AFFAIRS

AIDE-MEMOIRE

Excerpt.

More than three months have elapsed since the occupation of Nanking by Japanese military forces. The areas of hostilities have in that interval moved to substantial distances from that city, and there is at this time no conceivable danger which would of itself make it unwise for Americans to reside there. Notwithstanding these facts the Japanese military authorities continue to impose restrictions which in effect prevent American missionaries and business men, with important interests in Nanking, from returning to that city.

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TOKYO, April 4, 1938.

Foreign Relations I, pp. 761-762

971

Br. Ex. 81

THE AMERICAN EMBASSY IN JAPAN TO THE JAPANESE
MINISTRY FOR FOREIGN AFFAIRS

AIDE-MEMOIRE

The American Embassy had the honor, in its note No. 892 of March 12, 1938, to invite the serious attention of the Ministry of Foreign Affairs to the continued occupation by Japanese forces of certain American mission property in Shanghai. The occupation of American property by Japanese military forces is not confined to the cases cited in that note but is a condition which obtains extensively in areas in Central China under occupation by Japanese military forces. American missionaries have been denied access to mission property and during their enforced absence nearly all buildings have been looted and damaged and some have been destroyed by fire.

American mission property at the following named places is occupied at the present time by Japanese troops: Changshu, Changchow, Chinkiang, Liuho, Nanking, Nansiang, Quinsan, Shanghai, Soochow, Sungkiang, Yangchow, and Wusih in the Province of Kiangsu, and Huchow and Kashing in Chekiang Province.

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THE AMERICAN EMBASSY IN JAPAN TO THE JAPANESE
Tokyo, March 26, 1938. FOREIGN AFFAIRS

AIDE-MEMOIRE

Foreign Relations I, p. 588.

The American Embassy had the honor, in its note No. 892 of March 12, 1938, to invite the serious attention of the Ministry of Foreign Affairs to the continued occupation by Japanese forces of certain American mission property in Shanghai. The occupation of American property by Japanese military forces is not confined to the cases cited in that note but is a condition which obtains extensively in areas in Central China under occupation by Japanese military forces. American missionaries have been denied access to mission property and during their enforced absence nearly all buildings have been looted and damaged and some have been destroyed by fire.

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972 H

STATEMENT BY THE PRIME MINISTER, PRINCE FUMIMARO KONOE.

December 22, 1938.

The Japanese Government are resolved, as has been clearly set forth in their two previous statements issued this year, to carry on the military operations for the complete extermination of the anti-Japanese Kuomintang Government, and at the same time to proceed with the work of establishing a new order in East Asia together with those far-sighted Chinese who share in our ideals and aspirations.

The spirit of renaissance is now sweeping over all parts of China and enthusiasm for reconstruction is mounting ever higher. The Japanese Government desire to make public their basic policy for adjusting the relations between Japan and China, in order that their intentions may be thoroughly understood both at home and abroad.

Japan, China, and Manchoukuo will be united by the common aim of establishing the new order in East Asia and of realizing a relationship of neighbourly amity, common defence against Communism, and economic cooperation. For that purpose it is necessary first of all that China should cast aside all narrow and prejudiced views belonging to the past and do away with the folly of anti-Japanism, and resentment regarding Manchoukuo. In other words, Japan frankly desires China to enter of her own will into complete diplomatic relations with Manchoukuo.

The existence of the Comintern influence in East Asia can not be tolerated. Japan therefore considers it an essential condition of the adjustment of the Sino-Japanese relations that there should be concluded an anti-Comintern agreement between the two countries in consonance with the spirit of the anti-Comintern Agreement between Japan, Germany and Italy. And in order to ensure the full accomplishment of her purpose, Japan demands, in view of the actual circumstances prevailing in China, that Japanese troops be stationed, as an anti-Communist measure, at specified points during the time the said agreement is in force, and also that the Inner Mongolian region be designated as a special anti-Communist area.

As regards economic relations between the two countries, Japan does not intend to exercise economic monopoly in China, nor does she intend to demand of China to limit the interests of those third Powers, who grasp the meaning of the new East Asia and are willing to act accordingly. Japan only seeks to render effective the cooperation and collaboration between the two countries. That is to say, Japan demands that China, in accordance with the principle of equality between the two countries, should recognize the freedom of residence and trade on the part of Japanese subjects in the interior of China, with a view to promoting the economic interests of both peoples; and that, in the light of the historical and economic relations between the two nations, China should extend to Japan facilities for the development of China's natural resources, especially in the regions of North China and Inner Mongolia.

The above gives the general lines of what Japan demands of China. If the true object of Japan in conducting the present vast military campaign be fully understood, it will be plain that what she seeks is neither territory nor indemnity for the costs of military operations. Japan demands only the minimum guarantee needed for the execution by China of her function as a participant in the establishment of the new order.

Japan not only respects the sovereignty of China, but she is prepared to give positive consideration to the questions of the abolition of extra-territoriality and of the rendition of concessions and settlements--matters which are necessary for the full independence of China.

C E R T I F I C A T E .

F.C. No. _____
 P.S. No. 854-J

Statement of Source and Authenticity

I, HAYASHI, KICHI, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the document hereto attached consisting of 177 pages, dated Jan.-Dec., 1937, and described as follows: Announcements of the Japanese Government Relating to the China Incident (Vol. 2). I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry

Signed at Tokyo on this
 23 day of Sept., 1946.

(signed) K. Hayashi
 Signature of Official

SEAL

Witness: Nagaharu Odo (signed) Chief of the Archives Section
 Official Capacity

Statement of Official Procurement

I, John A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
 23 day of Sept., 1946.

(signed) J. A. Curtis, 2d Lt.

SEAL

Witness: Richard L. Larsh /s/ Investigator
 Official Capacity

ANNOUNCEMENTS OF THE JAPANESE GOVERNMENT
RELATING TO THE CHINA INCIDENT (Vol. 3).

(Excerpts)

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STATEMENT OF IMPERIAL GOVERNMENT

January 16, 1938.

Even after the capture of Nanking, the Japanese Government have till now continued to be patient with a view to affording a final opportunity to the Chinese National Government for a reconsideration of their attitude. However, the Chinese Government, without appreciating the true intentions of Japan, blindly persist in their opposition against Japan, with no consideration either internally for the people in their miserable plight or externally for the peace and tranquility of all East Asia. Accordingly, the Japanese Government will cease from henceforward to deal with that Government, and they look forward to the establishment and growth of a new Chinese regime, harmonious co-ordination with which can really be counted upon. With such a regime they will fully co-operate for the adjustment of Sino-Japanese relations and for the building up of a rejuvenated China. Needless to state, this involves no change in the policy adopted by the Japanese Government of respecting the territorial integrity and sovereignty of China as well as the rights and interests of other Powers in China.

Japan's responsibilities for the peace of East Asia are now even heavier than ever before.

It is the fervent hope of the Government that the people will put forth still greater efforts toward the accomplishment of this important task incumbent on the nation.

"
Extreme
Ice slapping is a peculiar way of showing contempt"

C E R T I F I C A T E

W.D.C. No. _____
 I.P.S. No. 854-A

Statement of Source and Authenticity

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Signed at Tokyo on this
 23 day of Sept., 1946.

K. Hayashi (signed)
 Signature of Official SF
 Chief of the Archives Section
 Official Capacity

Witness: Nagaharu Odo (signed)

Statement of Official Procurement

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Signed at Tokyo on this
 23 day of Sept., 1946

J. A. Curtis, 2d Lt. (signed)
 NAME

Witness: Richard H. Larsh /s/

Investigator
 Official Capacity

972B

STATEMENT OF THE FOREIGN OFFICE SPOKESMAN
CONCERNING THE ALLISON CASE

January 31, 1938.

Concerning the case of Mr. John Allison, American Consul at Nanking, the American Ambassador in Tokyo, Mr. Joseph C. Grew, called on Mr. Komsuke Horinouchi, Vice-Minister for Foreign Affairs, at 6:30 o'clock last Saturday evening, January 29th.

The American Ambassador made to the Vice-Minister, an oral representation based mainly on the reports from Mr. Allison; and the Ambassador further informed the Vice-Minister that the American Government expect to receive a suitable expression of regret by the Japanese Government and an assurance that the Japanese Government will take adequate measures for the punishment of those responsible.

As a reply to the American Ambassador's oral representation of the evening of the 29th, the Vice-Minister for Foreign Affairs, explained the following three points to the American Ambassador, Mr. Grew, at 10 o'clock yesterday evening.

1. Under whatever circumstances the incident might have taken place, the slapping by a Japanese soldier of the American Consul at Nanking, Mr. John Allison, was an extremely unfortunate occurrence. Major Hongo, staff officer of the Japanese forces in Nanking, went to the American Embassy and tendered, in the name of the Commander, expressions of regret and apologies which, it has been reported, were accepted on the part of Mr. Allison. The Japanese Government, on their part also, wish to express their profound regret for this happening.

2. In view of the serious character of the incident, the Japanese Government wish to give assurances that, on the completion of the strict investigations, steps will be taken for the adequate punishment of those responsible for the act.

3. In consideration of the possibility of there existing considerable discrepancies as to the circumstances leading to the occurrence in a case of this kind between assertions of those involved in the case; just so, in this case also, there exist considerable differences between the version given in the American complaint regarding the circumstances leading up to the slapping of the American Consul by a Japanese soldier; and as the real facts will be brought to light only after careful and thoroughgoing investigations to be conducted, the carrying out of the investigations will, of necessity, have to be reserved to later date.

C E R T I F I C A T E

W.D.C. No. _____
 I.P.S. No. 854-B

Captured

Statement of Source and Authenticity

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Signed at Tokyo on this
 23 day of Sept., 1946.

(signed) K. Hayashi
 Signature of Official

SEAL

Witness: Magaharu Odo (signed) Chief of the Archives Section
 Official Capacity

Statement of Official Procurement

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Signed at Tokyo on this
 23 day of Sept., 1946.

(signed) J. A. Curtis, 2d Lt.
 NAME

Witness: Richard H. Larsh (signed) Investigator
 Official Capacity

Collection of Official Announcements Concerning
China Incident (No. 3)

Information Department, Foreign Ministry

December 1938

September 22, 1938

Mr. Avanol
Secretary General of the League of Nations
Geneva

I acknowledge the receipt of your telegram of the 19th September 1938, transmitting the invitation based on the first paragraph of Article 17 of the Covenant, and addressed to the Imperial Government by the Council of the League of Nations.

The Imperial Government hold to the firm belief that the method as envisaged by the Covenant of the League of Nations can not bring about a just and adequate solution of the present conflict between Japan and China and their attitude in this regard has repeatedly been made clear in the past.

I have the honour of bringing to your knowledge that, for this reason, the Imperial Government regret that they are not able to accept the invitation of the Council.

K. Ugaki
Minister for Foreign Affairs
of Japan

C E R T I F I C A T E

W.D.C. No. _____
 I.P.S. No. 854-C

Statement of Source and Authenticity

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Signed at Tokyo on this
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(signed) K. Hayashi
 Signature of Official

SEAL

Witness: Nagaharu Odo (signed)

Chief of the Archives Section
 Official Capacity

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Signed at Tokyo on this
 23 day of Sept., 1946.

(signed) J. A. Curtis, 2d Lt.
 NAME

Witness: Richard H. Larsh (s)

Investigator
 Official Capacity

STATEMENT OF THE FOREIGN OFFICE SPOKESMAN

October 12, 1938.

The operations just undertaken in South China by the Imperial Japanese forces are purely military operations for the purpose of intercepting the principal route farms and munitions supply to the Chinese forces and destroying the important points of hostile machinations against Japan.

The policy hitherto pursued by the Japanese Government of respecting the rights and interests of third Powers remains unchanged. Although the best efforts will therefore be exerted for the prevention of any damage to them in the present operations, it is earnestly hoped that the third Powers will understand the real intentions of Japan and extend cooperation to the efforts of the Japanese forces and thereby preclude the occurrence of any untoward incidents.

C E R T I F I C A T E

W.D.C. No. _____
 I.P.S. No. 854-D

Statement of Source and Authenticity

I, HAYASHI, KAORU, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the documents hereto attached consisting of 177 pages, dated Jan.-Dec., 1938, and described as follows: Announcements of the Japanese Government Relating to the China Incident (Vol. 3). I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry.

Signed at Tokyo on this
 23 day of Sept., 1946

(signed) K. Hayashi
 Signature of Official

Witness: Nagaharu Odo (signed)

Chief of the Archives Section
 Official Capacity

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Signed at Tokyo on this
 23 day of Sept., 1946.

(signed) J. A. Curtis, 2d Lt.
 NAME

Witness: Richard H. Larsh /s/

Investigator
 Official Capacity

973E

10/6 / 1938

Br. Ex. 65 (Page 1)--IPS Doc. 854-E
Ct. Ex. _____

The Foreign Office made public at 10 o'clock p.m., November 18, the following text of the Japanese Government's reply to the Note of October 6th of the Government of the United States, concerning American rights and interests in China, which was delivered to the American Ambassador Mr. Joseph Grew in the evening of the same day.

EXCELLENCY,

I have the honour to acknowledge the receipt of Your Excellency's Note, No. 1076, dated October 6th, addressed to the then Minister for Foreign Affairs Prince Konoye, concerning the rights and interests of the United States in China.

In the Note are cited various instances based on information in the possession of the Government of the United States that the Japanese authorities are subjecting American citizens in China to discriminatory treatment and violating the rights and interests of the United States.

I have now the honour to state hereunder the opinions of the Japanese Government with regard to these instances.

1. The circumstances which led to the adoption of the present measures concerning export exchange in Tsingtao and the present situation being, so far as the Japanese Government are aware, as set forth below, they consider that those measures can not be construed as constituting any discrimination against American citizens.

A short time ago the Federal Reserve Bank of China was established in North China whose notes with an exchange value fixed at one shilling and two pence against one yuan, have been issued thus far to the amount of more than one hundred million yuan, and are widely circulated. These bank notes being the compulsory currency of the Provisional Government, the maintenance of their value and their smooth circulation is regarded as an indispensable basis for the conduct and the development of economic activities in North China. Consequently the Japanese Government have taken a co-operative attitude; and all Japanese subjects are using the said notes, and in their export trade are exchanging them at the rate of one shilling and two pence. On the other hand, the old fa-pi still circulating in these areas has depreciated in exchange value to about eight pence per yuan. Consequently those who are engaged in export trade and are using this currency are enjoying illegitimate profits, as compared with those who use the Federal Reserve notes and carry on legitimate transactions at the legitimate rate of exchange: that is to say, Japanese subjects who use the Federal Reserve notes have been suffering unreasonable disadvantages as compared with persons who while residing and carrying on their business in the areas under the jurisdiction of the Provisional Government of North China, use nevertheless, the old fa-pi exclusively.

Furthermore, the existence of the beforementioned disparity in exchange value between the new notes and the old fa-pi, which the Federal Reserve Bank has been exchanging at a rate not very much below par, is bound to exert an unfavourable effect upon the exchange value of the new notes, and eventually upon the exchange value of the Japanese yen.

The Japanese Government feel that it is incumbent upon them not to remain indifferent to such a situation.

The export exchange measures adopted in Tsingtao are calculated to place the users of old Chinese currency who have been obtaining unfair profits, on equal footing with those who are using the Federal Reserve notes. These measures are also intended to protect the exchange value of the Federal Reserve Bank notes. Inasmuch as the application of the measures makes no differentiation according to nationality they cannot be considered as discriminatory measures. As a matter of fact, it is through these measures that those users of the Federal Reserve notes who had in a sense been discriminated against, have been placed on an equal footing with the others, and thus enabled to compete on a fair basis.

2. In North and Central China the new Chinese regimes some time ago effected revisions of the Customs tariff in an attempt to secure a rational modification of the former tariff enforced by the Kuomintang Government, which was unduly high and ill-calculated to promote the economic recovery and general welfare of the Chinese people. However, the schedule actually adopted for the time being is the one that was approved by the Powers in 1931, so that no complaint has been heard from foreign residents of any nationality on the spot. The Japanese Government are of course in favour of the purpose of the said revision, believing that it will serve to promote effectively the trade of all countries with China.

3. As for the organization of certain promotion companies in China, the restoration and development of China's economic, financial and industrial life after the present Affair is a matter of urgent necessity for the welfare of the Chinese. Moreover, the Japanese Government are deeply solicitous for the early inauguration and progress of work having for its object this restoration and development, for the sake of the realization of a new order in East Asia, and are doing all in their power in that direction. The North China Development Company and the Central China Development Company were established with a view to giving China the necessary assistance toward the said restoration and also with the aim of contributing toward the development of China's natural resources. It is far from the thoughts of the Japanese Government to impair the rights and interests of American citizens in China or to discriminate against their enterprises. The Japanese Government therefore do not oppose, but welcome heartily, the participation of third Powers on the basis of the new situation that has arisen.

The telecommunication companies in North and Central China and of the inland navigation steamship company at Shanghai and the wharfage company at Tsingtao have also been established to meet the urgent need of an early restoration of communications, transportation, and harbor facilities. With the exception of the telecommunications enterprise, which, because of its obvious relation to the maintenance of peace and order and to the national defense, as well as because of its public character, has been placed in the hands of special companies, all these enterprises are turned over to concerns that are ordinary Chinese or Japanese juridical persons, without any intention of allowing them to reap monopolistic profits by discriminating against America or any other Power. As regards the wool trade, while the control of purchasing agencies was enforced for a time in the Mongolian region, it has since been discontinued. There is no plan at present of any sort for establishing a monopoly in tobacco.

4. Concerning the return of American citizens to the occupied areas. Your Excellency is aware that in North China there is no restriction, excepting in very special cases where the personal safety of those who return would be endangered, while in the Yangtse Valley large numbers of Americans have already returned. The reason why permission to return has not yet been made general is, as has been repeatedly communicated to Your Excellency, due to the danger that persists because of the imperfect restoration of order and also to the impossibility of admitting nationals of third Powers on account of strategic necessities such as the preservation of military secrets. Again, the various restrictions enforced in the occupied areas concerning the residence, travel, enterprise and trade of American citizens, constitute the minimum regulations possible consistent with military necessities and the local conditions of peace and order. It is the intention of the Japanese Government to restore the situation to normal as soon as circumstances permit.

5. The Japanese Government are surprised at the allegation that there exists a fundamental difference between the treatment accorded to Japanese in America and the treatment accorded to Americans in Japan. While it is true that in these days of emergency Americans residing in this country are subject to various economic restrictions, yet these are, needless to say, restrictions imposed not upon Americans alone but also on all foreigners of all nationalities as well as upon the subjects of Japan. I beg to reserve for another occasion a statement of the views of the Japanese Government concerning the treatment of Japanese subjects in American territory, referred to in Your Excellency's note.

As has been explained above, the Japanese Government, with every intention of fully respecting American rights and interests in China, have been doing all that could possibly be done in that behalf. However, since there are in progress at present in China military operations on a scale unprecedented in our history, it may well be recognized by the Government of the United States that it is unavoidable that these mili-

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tary operations should occasionally present obstacles to giving full effect to our intention of respecting the rights and interests of American citizens.

Japan at present is devoting her energy to the establishment of a new order based on genuine international justice throughout East Asia, the attainment of which end is not only an indispensable condition of the very existence of Japan, but also constitutes the very foundation of the enduring peace and stability of East Asia.

It is the firm conviction of the Japanese Government that in the face of the new situation, fast developing in East Asia, any attempt to apply to the conditions of today and tomorrow inapplicable ideas and principles of the past neither would contribute toward the establishment of a real peace in East Asia nor solve the immediate issues.

allegant
However, as long as these points are understood, Japan has not the slightest inclination to oppose the participation of the United States and other Powers in the great work of reconstructing East Asia along all lines of industry and trade; and I believe that the new regimes now being formed in China are prepared to welcome such foreign participation.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

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C E R T I F I C A T E

I.P.S. No. 854-E

Statement of Source and Authenticity

I, HAYASHI, KAORU, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the document hereto attached consisting of 177 pages, dated Jan.-Dec., 1938, and described as follows: Announcements of the Japanese Government Relating to the China Incident (Vol. 3). I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry.

Signed at Tokyo on this
23 day of Sept., 1946.

(signed) K. Hayashi
Signature of Official

SEAL

Witness: Nagaharu Odo /s/

Chief of the Archives Section
Official Capacity

Statement of Official Procurement

I, John A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
23 day of Sept., 1946

(signed) J. A. Curtis, 2d Lt.
NAME

Witness: Richard H. Larsh /s/

Investigator
Official Capacity

*Konoe on
not mobil.*

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ADDRESS OF THE PRIME MINISTER, PRINCE FUMIMARO KONOE,
BEFORE THE 73RD SESSION OF THE IMPERIAL DIET

VC

January 22, 1938.

The New Year is with us amid the storm and stress of the China Affair. Today at this session of the Imperial Diet which faces a momentous crisis of our nation, I have the honour to wish with you a long life to our Sovereign and prosperity and happiness to the Imperial House, before stating to you the views of the Government. I have been moved beyond words by the Imperial Message that was graciously granted at the opening session and by the deep concern shown by His Majesty over the present situation.

It is scarcely necessary for me to say that Japan's immutable national policy aims at building the edifice of permanent peace for East Asia on the unshakable foundation of close co-operation between Japan, Manchoukuo and China, and to contribute thereby to the cause of world peace. The adoption some time ago of our determined policy not to deal with the obdurate Kuomintang Government of China, and the exertion of ceaseless efforts towards the cultivation of friendly relations with the Powers, have been both dictated by this policy of the Government. We all rejoice for the sake of world peace that the tripartite Anti-Comintern Agreement between Japan, Germany, and Italy was completed through the participation of Italy last fall.

It is now more than half a year since the commencement of the present conflict. The fields of hostilities have been extended from North China to Central and South China. The valorous and daring operations of the Imperial forces have brought us victory after victory. Nanking, the Chinese Capital, quickly fell into our hands. The situation is developing most favourably for Japan. While this is, of course, due to the August Virtue of our Sovereign, I am profoundly grateful for the loyalty and courage of the officers and men of the Imperial forces at front and for the ardour and enthusiasm of all our people at home.

Now the Government look forward to the emergence of a new Chinese regime which may really be counted upon to co-operate with Japan, and with such a regime they intend to adjust the Sino-Japanese relations and lend their hands in the rehabilitation of China, and in laying firmly thereby the foundation for a permanent peace of East Asia. Needless to say, there will be no change in Japan's policy to respect the sovereignty and territorial integrity of China and the legitimate rights and interests of Third Powers in China.

The mission of Japan as the stabilizing force of East Asia is greater and her obligations have grown heavier than ever. In order to fulfil this mission, and to discharge these obligations of ours, we must certainly be prepared to make hereafter still greater sacrifices than we have made

heretofore. But unless we resolve to do this, we only lay in store misfortunes for the future. I believe that to bear such sacrifices is a noble duty that we of the present generation owe to posterity.

Konoge on mobilization

It is under a conviction such as this that our Government are striving with all their might to deal with the China Affair and to achieve the end they have in view. And for that they are working for the completion of the plans for the national mobilization both material and spiritual, and the execution of the various necessary measures. Under this policy, the Government realize the first necessity of replenishing armaments and filling the national treasury, and accordingly, emphasis has been placed on this point in regulating country's economy and finances. As regards the budget for the coming fiscal year, it has been so compiled as to devote as much money and material as possible to the fulfilment of military requirements, and to curtail as far as possible the general consumption of the goods and funds having to do with military supplies.

In the field of industry, the basic principle of the Government will be laid in the increase of our nation's productive power under the one comprehensive scheme covering Japan, Manchoukuo and China, and efforts are to be exerted toward supplying the articles needed for national defence, promoting all the important industries, and expanding our export trade.

As for our work at the home front, not only everything will be of course done in order to keep our officers and men at front free from all anxieties for those at home, but suitable and effective measures will be taken to provide for the relief of the families of those killed, wounded, or taken ill.

Far distant still is the end of the conflict. We should expect that it will be a long time before a settlement is reached. Ours is indeed a momentous task unparalleled in history. We shall never succeed in accomplishing the task unless all of us show the dauntless spirit of gladly and courageously offering ourselves to our country. Let me assure you that the Government, with patience and perseverance and a resolute will, expect to reach a settlement of the Affair.

In accordance with these views, the necessary bills together with the budget are being presented to you, on which I earnestly hope that you, appreciating the intentions of the Government, will give your approval.

C E R T I F I C A T EW.D.C. No.
I.P.S. No. 854-GStatement of Source and
Authenticity

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Signed at Tokyo on this
23 day of Sept., 1946.(signed) K. Hayashi
Signature of OfficialWitness: Nagaharu Odo (signed)Chief of the Archives Section
Official Capacity

SEAL

Statement of Official Procurement

I, John A. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
23 day of Sept., 1946(signed) J. A. Curtis, 2d Lt.
NAMEWitness: Richard H. Larsh /s/Investigator
Official Capacity

Koki Hirota 9720

ADDRESS OF MR. KOKI HIROTA, MINISTER FOR FOREIGN AFFAIRS, AT THE SEVENTY-THIRD SESSION OF THE IMPERIAL DIET, DELIVERED ON JANUARY 22, 1938.

V P

At the last session of the Diet I had the honor to speak on the policy of the Japanese Government regarding the China Affair. Today I desire to address you on the subsequent developments which have occurred in the Chinese situation as well as on our foreign relations in general.

The attitude of the Japanese Government towards the present Affair has been clearly set forth in their statements made public from time to time in the past. Japan has no territorial ambitions in China, nor has she any intention of separating North China from the rest of the country. All she wants is that China, taking a broad view of the situation, will collaborate with Japan toward the fulfilment of the ideal of Sino-Japanese co-operation for the common prosperity and well-being of the two countries. Accordingly, even after the outbreak of the present Affair, we eagerly looked forward to joining forces with China for the purpose of securing peace in East Asia as soon as the Nationalist Government should have discarded their policy of opposition to Japan and Manchoukuo and evinced a sincere desire to work together for this idea of Japan. However, the Nationalist Government failed to understand our true intentions, and they were caught, so to speak, in the trap set by themselves, being bound by their commitments to the anti-Japanism that they had fostered for such long years. Unable to act wisely and well with a calm judgment, but relying upon third Powers, or allying themselves with Communists, they are even now calling for a prolonged resistance, regardless of the plight of the 400 million people of China whom they have plunged into the depth of suffering and misery. Now the heroic operations of our loyal and valiant forces in the north and in the south, have forced the Nationalist Government to abandon Nanking, their capital, and to flee far up the Yangtze River. Still unrepentant, they persist in their desperate opposition. It is a most lamentable thing for the sake of East Asia as a whole as well as for the people of China.

Some time ago when the Japanese Government received a proffer of good offices by the German Government to act as an intermediary for bringing about direct negotiations between Japan and China, they proposed, with a view to affording the Nationalist Government a last opportunity for re-consideration, the following four points as the basic conditions for the solution of the Affair:

1. China to abandon her pro-Communist and anti-Japanese and anti-Manchoukuo policies to collaborate with Japan and Manchoukuo in their anti-Comintern policy.
2. Establishment of demilitarized zones in the necessary localities, and of a special regime for the said localities.
3. Conclusion of an economic agreement between Japan, China and

Manchoukuo.

4. China to pay Japan the necessary indemnities.

These items summarized the minimum requirements which were considered absolutely indispensable by the Japanese Government. It was my earnest hope that the Nationalist Government would sue for peace on the basis of these fundamental conditions. However, that Government, blind to the larger interests of East Asia, and ignoring both our magnanimity and Germany's friendly intention, exhibited no readiness to ask frankly for peace, but only sought to delay the matter and ultimately failed to send a reply that could be regarded in any way as sincere. The Nationalist Government having thus wilfully thrown away the last chance placed at their disposal by the Japanese Government, it became clear that there would be no hope of ever arriving at a solution by waiting indefinitely for any reconsideration on the part of the Nationalist Government. It is because of these circumstances that the Japanese Government issued on the 16th of this month the statement that they would from thence forward cease to deal with the Nationalist Government. As is made plain in that statement our Government now look forward to the establishment and the growth of a new Chinese regime capable of genuine cooperation with Japan, which it is their intention to assist in the building up of a new and rehabilitated China. I am fully convinced that this is the only way of realizing our ideal of securing the stability of East Asia through Sino-Japanese co-operation.

I desire to avail myself of this occasion to say that in Europe and America there are some who are apt to entertain misgivings regarding Japan's intentions as though she were trying to close the Chinese door, and expel the interests of the Powers from China. Let me state explicitly that not only will Japan respect to the fullest extent the rights and interests of the Powers in the occupied areas, but she is prepared, for the purpose of promoting the welfare of the Chinese people, to leave the door wide open to all Powers and to welcome their cultural and economic cooperation there. It is earnestly to be hoped that the Powers, by recognizing the new conditions prevailing in China, and by appreciating the propriety of such Japanese demands for necessary and national adjustments as have been submitted, or may be submitted hereafter, in order to meet those conditions, will co-operate for the establishment of a new order in the Far East.

As regards our relations with Manchoukuo, it is the fundamental principle of our national policy to help that country to achieve a healthy progress as an independent state, maintaining all the while its intimate and inseparable relationship with our own. In accordance with this basic principle our Government decided upon the abolition of the extraterritoriality long enjoyed by Japan and transfer of her administrative rights in the South Manchuria Railway zone. And in the execution of that pro-

gramme the first treaty was concluded in June, 1936, and the second treaty in November last year, the operation of both of which has proved exceedingly satisfactory. As for the international status of Manchoukuo, because of the various governmental reforms and improvements accomplished through her strenuous efforts exerted with the help of Japan for their materialization, the Powers have come to revise their appraisal of the new state. Italy, first of all, extended formal recognition towards the end of November last, and the mutual extension of formal recognition with the Franco Government of Spain took place in the early days of the following December.

Japan's policy towards the Soviet Union has always been guided by our conviction of the urgent need of placing the relations of the two countries upon a normal footing for the sake of the peace of East Asia. It is in accordance with this policy that we endeavored within the past year to solve the long pending issue of the revision of the Fishery Treaty; but unfortunately, owing to the attitude of the Soviet authorities, we were obliged to conclude a modus vivendi at the year end as in the year before last. I should add, however, that since the Soviet Government are proceeding with the necessary internal preparations for the conclusion of an agreement providing for a revision of the treaty now in force, we are taking steps for the continuance of the negotiation and the signing of the new agreement at the earliest possible date.

This Government attach great importance to a smooth operation of the Japanese concession enterprises in North Saghalien. Let me say that the Japanese Government will never allow these rights and interests derived from the Soviet-Japanese Basic Treaty to be nullified through unreasonable pressure. Again, the relations between the Soviet Union and China are attracting the special attention of our nation. China concluded in August last a non-aggression pact with the Soviet Union, while members of the Communist International have penetrated all classes of the Chinese, destroying the social order of the country and endangering the stability of East Asia. Japan, ever solicitous for the civilization of East Asia and the welfare of its people, cannot but view the situation with the gravest concern.

In conducting military operations in China, Japan has been exercising special care lest the nationals and the rights and interest of third Powers should suffer. But there have occurred, I regret to say, toward the end of last year the Panay Incident and the Ladybird Incident, involving Great Britain and the United States. While it is needless to say that their occurrence was entirely unintentional, it was feared for a time that these incidents might lead to an alienation of feeling between Japan and those two countries. I rejoice that thanks to the calm and fair-minded attitude taken by the Governments of both countries and the sincerity of our Government and people, the incidents have been brought in each case to an amicable settlement.

Since the outbreak of the present Affair, the United States has always maintained a fair and just attitude, acting on all occasions with such careful regard for the cause of Japanese-American friendship that, despite such mishaps as the Panay Incident, the relations of the two countries, I am happy to say, have suffered no impairment. The importance to the conduct of our foreign affairs of American understanding needs scarcely to be mentioned. We shall continue to do our best towards the furtherance of Japanese-American amity and good will.

As regards Great Britain, there has been no change in the policy of the Japanese Government, which aims at the maintenance of the traditional friendship between the two countries. I hope that the British Government and people, grasping fully the importance of Anglo-Japanese relations, will endeavour to comprehend correctly Japan's position in East Asia and to co-operate with Japan for the furtherance of peace and good understanding between the two nations. At the same time, I desire to urge upon our own people to stand solidly behind this policy of the Government, in view of the seriousness of the general situation.

I am glad to say that Japan and Germany have been brought closer together than ever through such auspicious events as the visit of H.I.H. Prince Chichibu who was pleased to make a tour of that country on his way home from England last year, and also the cruise of the H.I.M.S. Ashigara, which included a call at Kiel. Especially do this Government appreciate the friendly and most sympathetic attitude Germany has taken in consonance with the spirit of the German-Japanese Anti-Comintern Agreement. We will strive to strengthen further the cooperation between the two countries.

From the beginning of the present Affair, Italy, understanding our true motives, has collaborated with us along all lines. It is well known to you how consistently and how energetically the Italian Government supported our country in November last year at the Brussels Conference of the Signatory Powers to the Nine Power Treaty. In connection with the question already mentioned of the settlement of the present Affair, the Italian Government again manifested their sympathetic concern. This Government are most grateful for these proofs of good will on the part of Italy, which had taken actually the same position as Japan in the matter of combatting the Comintern, joined in the German-Japanese Anti-Comintern Agreement in November last. It is a subject for congratulation from the standpoint of securing world peace that Japan, Germany and Italy have come to join forces under the Anti-Comintern banner. This Government will seek to extend further the effective operation of this agreement in concert with Germany and Italy.

In Spain, the civil war which broke out in July 1936 has developed steadily in favour of the regime under General Franco, which has now succeeded in bringing the greater part of the country under its control, and in consolidating its foundations. Moreover, the Franco Government is

Spain

identified with the Government of this country in the policy adopted against the Comintern. In the light of these facts we have decided to recognize that Government, and the necessary steps to that end were taken early in December last year.

A survey of our foreign trade shows that there has been in the past year a notable increase, as compared with the preceding year, of more than 35 per cent. in value as regards imports and 18 per cent. in value as regards exports--the total value of imports and exports together exceeding 7,270,000,000 yen, which is an unprecedented sum in the history of our foreign commerce.

Nevertheless, there still remain the economic barriers as heretofore. While endeavouring on the one hand to eliminate these obstacles through diplomatic means by dealing individually with the various countries according to their respective circumstances and the measures employed by them, this Government are exerting on the other hand unremitting efforts to promote our foreign trade by every means available. During the past year trade agreements have been concluded with British India, Burma, and Turkey. There were also signed in December a Treaty of Commerce with Siam and a supplementary agreement to the Italo-Japanese Treaty of Commerce relating to the Italian colonies. Negotiations are now in progress with other countries for the conclusion of the necessary trade agreements, covering both old and new markets.

A boycott of Japanese goods has been initiated in certain countries owing to misleading Chinese propaganda concerning the present Affair and to the machinations of the Chinese who reside there in large numbers. However, nowhere has it developed into any serious proportions, thanks to the united efforts of the Government and people and the fair attitude of the general public in the countries concerned.

The Japanese Government believe it to be one of the necessary conditions of the peace and harmony and the prosperity of Japan, Manchoukuo and China, and consequently of the entire world, to increase rationally the productive power of those three countries, and to strengthen their economic ties, and at the same time to promote their trade with the rest of the world. For the realization of this purpose the Government are now carefully preparing appropriate plans at home and abroad.

Finally I desire to say a few words on cultural work. In order to promote international friendship and to bring about a real peace among mankind it is necessary that nations should form intimate cultural bonds and cultivate a full understanding of one another's ideals and aspirations. The present Affair is traceable in no small degree to Chinese lack of understanding in this regard. If Japan and China are to build up a lasting friendship, they should understand each other's national conditions and characteristics, and cooperate culturally according to the fundamental spirit of the Orient. Taking this standpoint, the Government

intend to carry on in China more intensively than heretofore the cultural work which will serve as a foundation for the permanent peace and prosperity of the two nations. At the same time the Government will not relax their cultural work elsewhere since there is a special need, in the face of the present international situation, of making other peoples better acquainted with our unique culture and the national traits of our people who love justice and peace.

I hope that from what I have now said you have been able to understand the views of the Government regarding the present China Affair and foreign questions in general. In brief, the underlying aim of the foreign policy of the Government is to eradicate the root of evil in East Asia, to make known throughout the world the justice of our cause, and to contribute toward laying the foundations of world peace. To that end the Government are doing their very utmost. And I trust that you will appreciate the intentions of the Government and will extend your cooperation for the attainment of the objectives of our foreign policy in dealing with the grave emergency that confronts the nation today.

C E R T I F I C A T E

W.D.C. No. _____
I.P.S. No. 854-H

Statement of Source and Authenticity

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Signed at Tokyo on this
23 day of Sept., 1946.

(signed) K. Hayashi
Signature of Official

SEAL

Witness: Naoharu Odo (signed) Chief of the Archives Section
Official Capacity

Statement of Official Procurement

I, John W. Curtis, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
23 day of Sept., 1946

(signed) J. W. Curtis, 2d Lt.

Witness: Richard E. Larsh /s/

Investigator
Official Capacity

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973

ORAL STATEMENT BY THE AMERICAN AMBASSADOR IN
JAPAN (GREW) TO THE JAPANESE PRIME MINISTER
AND MINISTER FOR FOREIGN AFFAIRS (PRINCE KONOYE)
OCTOBER 3, 1938

Excerpts

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I have had many conferences on this general subject with former Ministers, especially Mr. Hirota and General Ugaki, who have repeatedly given me precise and definite assurances that American interests in China would be respected and that the principle of the Open Door and equal opportunity would be steadily maintained.

The American Government to its regret is constrained to observe that violation of American rights and interests, including violation of the principle of the Open Door, has nevertheless persisted.

In the light of the situation which I am now reviewing, the President of the United States asks that the Japanese Government implement its assurances already given with regard to the maintenance of the Open Door and to non-interference with American rights by taking prompt and effective measures to rectify the situation which I am about to explain.

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The American Government has already pointed out to the Japanese Government that alterations of the Chinese customs tariff by the regimes functioning in those portions of China occupied by the Japanese and for which the Japanese Government has formally assured its support are arbitrary and illegal assumptions of authority, the responsibility for which the Japanese Government cannot escape.

It is hardly necessary to state that there can be no Open Door in China so long as the ultimate authority to regulate, tax, or prohibit trade is exercised, directly or indirectly, by the authorities of one "foreign" power in furtherance of the interests of that power.

It would appear to be self-evident that a fundamental prerequisite of a condition of equality of opportunity or Open Door in China is the absence in the economic life of that country of preferences or monopolistic rights operating directly or indirectly in favor of any foreign country or its nationals.

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974

Br. Ex. 83

THE AMERICAN EMBASSY IN JAPAN TO THE JAPANESE
MINISTRY FOR FOREIGN AFFAIRS

Excerpts.

No. 942

The American Embassy presents its compliments to the Japanese Ministry of Foreign Affairs and has the honor to refer to the damage to American mission property at Nantungchow on August 17, 1937, as a result of Japanese military operations.

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According to information received from the American Consul General at Shanghai, Mr. C. A. Burch of the United Christian Missionary Society, who proceeded to Nantungchow to make an investigation, stated in a sworn statement that, during an air raid which occurred at ten-thirty on the morning of August 17, 1937, four two-winged hydroaeroplanes described by witnesses as bearing the "Red Sun" insignia on the wings flew low over the mission property and dropped a number of bombs, one of which was believed to be incendiary, on the hospital and other mission buildings causing extensive damage.

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TOKYO, May 30, 1938.

975

Br. Ex. 84

THE AMERICAN EMBASSY IN JAPAN TO THE JAPANESE
MINISTER FOR FOREIGN AFFAIRS

Excerpts.

No. 946

The American Embassy presents its compliments to the Japanese Ministry of Foreign Affairs and has the honor to state that the following message from Haichow has been received through the American Consul General at Shanghai:

"American Presbyterian Chapel only a few feet from American Presbyterian Hospital and American Presbyterian Women's Bible School, in same yard with our residence, were bombed on May 24th by Japanese planes causing great damage; residences only very slightly damaged. Chapel and school greatly damaged, in addition our chapel(s) inside the city and at Shaiho were bombed and greatly damaged. American flags were prominently displayed at each building.

. . .

The American Consul General at Shanghai reports that a second message has been received stating that the Mission was again bombed on May 28, one bomb landing less than thirty-five yards from Mr. McLaughlin's residence, but that they were, however, fortunately unharmed.

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TOKYO, May 31, 1938.

Foreign Relations I, p. 593.

976

Br. Ex. 85

THE AMERICAN EMBASSY IN JAPAN TO THE JAPANESE
MINISTRY FOR FOREIGN AFFAIRS

Excerpt.

No. 955

The American Embassy presents its compliments to the Ministry of Foreign Affairs and has the honor to state that according to information received through the American Consul General at Shanghai, the nurses' home and two residences on the compound of the Soochow Hospital, property belonging to the American Methodist Episcopal Mission South, were occupied by Japanese troops on May 30 last. The American Consul General at Shanghai has made representations to his Japanese colleague concerning this report of the recent occupaion of additional American property.

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TOKYO, June 10, 1938.

Foreign Relations I, p. 597.

Br. Ex. 124

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpt.

No. 1474

TOKYO, February 6, 1940

EXCELLENCY: The Tax Bureau of the so-called Rehabilitation Commission at Swatow, China, which, as Your Excellency is no doubt aware, is sponsored by agencies of the Japanese Government, has since November of last year levied taxes on imports and exports at that port. This Commission has issued regulations announcing the collection, as of November 1, 1939, of a five per cent ad valorem tax on local produce and a ten per cent ad valorem tax on imports not liable to the Consolidated Tax, and it has also commenced the collection of a forty per cent ad valorem tax on postal parcels entering Swatow. I am instructed by my Government to protest this illegal and unwarranted action of the Swatow Rehabilitation Commission.

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Foreign Relations I, pp. 753-754

977

The Basis of National Policy

June 30, 1936 (SHOWA 11)

The War and Navy Ministries

I. The fundamentals of administrating state affairs lie in strengthening our national foundation at home and bringing about the prosperity of our nation abroad so that, on the basis of the relations between sovereign and subject, our Empire may secure the peace of the Orient and contribute to the welfare of mankind as the real stabilizing power in East ASIA, thereby realizing the ideal underlying the foundation of our nation. In view of the internal and external situation of the Empire, her fundamental policies must consist in advancing and developing in the Southern Seas as well as obtaining a firm position in the East Oriental continent for the stabilization of our national defense.

These fundamental policies are as follows:

V.S.
KODO

(1) We must strive to correct the great Powers' aggressive policies and share happiness and favor with others according to a real principle of give and take; that is to say, our guiding principle must be to realize the spirit of the 'Imperial Way' (KODO) by a consistent policy of overseas expansion.

(2) We must complete our national defense armament in order to maintain peace and tranquillity, to safeguard our prosperity and to secure the position of the Empire as the stabilizing power in East ASIA in fact as well as in name.

(3) We expect the sound development of MANCHUKUO and hope by accomplishing this to stabilize Japan-Manchukuo national defense; thus in order to promote our economic development, we intend to get rid of the menace of the U.S.S.R., while preparing against BRITAIN and the U. S. and bringing about close collaboration between JAPAN, MANCHUKUO and CHINA. This is the basis of our continental policy in the execution of which we must also pay due attention to friendly relations with other powers.

(4) We plan to promote our racial and economic development in the Southern Seas, especially in the Outer Southern Seas, and without rousing other powers to action, we must attempt to extend our strength by moderate and peaceful measures. Thus with the establishment of MANCHUKUO in addition to the above, we may expect the full development of our national resources and the completion of our national defense.

II. On the basis of the above fundamental national policies we expect to reform our government system so as to make it suitable for the present external and internal situation, and to unify political, financial and economic policies both within and without the country. The essential points are as follows:

(1) Defensive armament preparations.

a) The aim of our military preparations is to enable us to cope with any force which the U.S.S.R. can mobilize in the Far East. Especially, our force in MANCHUKUO and KOREA must be strengthened so that we may smash her Far Eastern force at one blow from the beginning.

b) As for the navy, we must complete its armament sufficiently to maintain the command of the Western Pacific against the U. S. Navy.

(2) The first principle of our diplomatic policy lies in the smooth execution of our fundamental state policies as well as synthesizing and renewing them. The military will give undercover assistance without appearing on the surface so that the activities of our diplomatic organs may progress advantageously and smoothly.

(3) We must reform and improve our administrative system and establish an economic and financial policy by means of every facility available so as to strengthen our defensive strength and to promote our economic development vigorously. For this purpose, we will take suitable steps concerning the following matters.

a) We should direct and unify internal public opinion and make the resolution of the people steady to tide over the present emergency.

b) We should appropriately improve our political and economic systems in order to develop the important trade and industries which are necessary for the execution of national policy and national defense.

c) We should take appropriate measures to stabilize the life of the people, promote their physical strength and lead their thoughts into sound channels.

d) We should make appropriate arrangements for the rapid development of the aviation and shipping business.

e) We should promote the establishment of a self-supporting and self-sufficient policy for resources and materials important for national defense and industry.

f) We should reform our diplomatic organs and also draw up a system of information and propaganda in order to make our diplomatic function and the spread of our culture in the world more active.

Matters Pertaining to Outline of the
State Policy

June 30, 1936

The War and Navy Ministries

I. The vision of Japan is to make clear the justice and cause of the country, to plan the rise of the country and to realize the peace of the East and contribute to the welfare of the human being.

"In view of the internal and external situations of the Empire, the fundamental policies of the Empire must lie in advancing and developing into the Southern Seas as well as obtaining firm position in the East Oriental continent stabilizing the national defense."

C E R T I F I C A T E

W.D.C. No. _____

I.P.S. No. 1634-I

Statement of Source and Authenticity

I, HAYASHI Kaoru hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives Section, Japanese Foreign Ministry, and that as such official I have custody of the document hereto attached consisting of 5 pages, dated 30 June, 1936, and described as follows:

Outline of the basis of National Policy by War and Navy Ministers

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry.

Signed at Tokyo on this
20th day of Sept., 1946.

/s/ K. Hayashi
Signature of Official

Witness: /s/ Nagaharu Odo

SEAL
Official Capacity

Statement of Official Procurement

I, Richard H. Larsh, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
23 day of Sept., 1946

/s/ Richard H. Larsh
NAME

Witness: /s/ J. A. Curtis, 2d Lt.

Investigator, IPS
Official Capacity

V.P. 8/11/36 979

"The fundamental principle of our national policy", (signed by the five Ministers - the Premier, War, Navy, Finance, and Foreign Ministers - 11 August 1936).

Fundamentals of our National Policy

I The fundamental principle of administering the state based on righteousness lies in realizing the ideal of our national foundation by strengthening the foundation of our country internally and prospering externally, thereby making the Japanese Empire develop into the stabilization Power, nominal and virtual, in the East Asia, secure peace in the Orient and contribute to the peace and welfare of mankind throughout the world. In view of the situation of the Empire, both home and abroad, to establish the fundamental national policy consists in securing a steady footing of our empire in the Eastern Continent as well as developing in the South Seas, under the joint efforts of diplomatic skill and national defense. The general basic principles are as follows:

- (1) To exclude the Military Rule Policy of the Powers and follow our policy to share mutual welfare by participating in co-existence and co-prosperity principle is the only way of realizing the ideal of our Imperial Rule of Justice. It should, therefore, be the invariable leading spirit in all times in relation to our overseas development.
- (2) In order to secure the stability of our Empire and to safe-guard its development so as to acquire the position of the real stabilization Power in the East Asia, nominally and virtually, we are to complete our defensive armament.
- (3) We should strive to eradicate the Russian menace on the North, in order to realize a steadfast development of Manchuria, and for the solid defense of both Japan and Manchuria. We should also be prepared for Britain and America, attempting at the same time an economic development by the close cooperation of Japan, China and Manchuria. The above should be our fundamental policy for the Continent. For the achievement of such an object we should always be careful to hold most amicable relations with the Powers.
- (4) For the furtherance of our plan to achieve the social and economic development of our Empire toward the South Seas, especially on the Outer South Sea Islands Area, we should take a gradual and peaceful measure, always avoiding to stimulate other nations, and try to fulfill our national strength correlative with the completion of Manchuria.

II Making the above fundamental principle the pivotal point of our national policy, we expect thereby to unify all our policies, internal and external, and generally innovate the administration in accordance with the present situation of the Empire. The outline of our new policy is as follows:

- (1) The fulfillment of the National Defense Armament.
 - (a) As to the Army armaments, we should aim to counteract all the military forces that Russia can furnish to employ in the Far East; and, especially, so as to enable us to strike a hit at the very out-set of the war upon the Russians, we should complete our military force in Korea and Manchuria.
 - (b) As to the Naval Armaments, we should attempt to fulfill its strength to such an extent as to be sufficient for securing the command of the sea on the Western Pacific counter to the American Navy.
- (2) Our diplomatic policy is solely to make it the first principle to try to prosecute the national scheme in smooth and amicable manner, and thereby to conduct an innovation and improvement in general. The military authorities on their part are required to assist the activities of the diplomatic organ from within in order to have it act fully and advantageously, evading all the time to act from without as far as possible.
- (3) In order to renovate and improve political and administrative organ, to establish financial and economic policies, and to manage other plans and schemes, according to our fundamental principle, the following measures should be taken properly:
 - (a) Lead and unify public opinion at home, and strengthen the will of the people to tide over the extraordinary emergency of our country.
 - (b) In order to advance and further our trade and industry essential to the prosecution of the national policy, an appropriate improvement should be introduced to the administrative and economic organs.
 - (c) An adequate measure should be taken concerning the stabilization of the people's livelihood, the development of their physical strength, and fostering sound and healthy mind and idea.
 - (d) A suitable measure should be taken in order to make a drastic progress in air as well as sea transportation.
 - (e) It is required to accelerate the establishment of a self-supporting and self-sufficient policy for the important resources and materials essential to national defense and industry.
 - (f) By innovating diplomatic organs, as well as completing information and publicity systems we should strive to quicken our diplomatic function, and to enhance the national culture abroad.

C E R T I F I C A T E

W.D.C. No. _____

I.F.S. No. 1634-K

Statement of Source and Authenticity

I, HAYASHI, Kaoru, hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the document hereto attached consisting of 5 pages, dated 11 August, 1936, and described as follows: Fundamental principles of National policy signed by the five ministers, viz.: Premier, War, Navy, Finance, and Foreign Ministers on Aug. 11, 1936.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry.

Signed at Tokyo on this
21st day of Sept. 1946.

/s/ K. Hayashi
(Signature of Official)
(SEAL)

Witness: /s/ T. Sato

(Official Capacity)

Statement of Official Procurement

I, Richard H. Larsh, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
23 day of Sept., 1946.

/s/ Richard H. Larsh
NAME

Witness: /s/ J. A. Curtis, 2d Lt.

Investigator, IPS
Official Capacity

980

Doc. No. 219P (58)

Page 1

Br. Ex. 86

THE AMERICAN EMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (UGAKI)

Excerpt.

No. 975

TOKYO, June 28, 1938.

EXCELLENCY: Acting under instructions from my Government I have the honor formally to protest an unwarranted attack on June 15, 1938, by Japanese airplanes upon the American Southern Baptist Mission at Pingtu, Shantung, which resulted in placing the lives of two hundred school children and seven American missionaries in grave jeopardy and in wounding other noncombatants, and which inflicted extensive damage upon American property.

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JOSEPH G. GREW

Foreign Relations I, 604

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Doc. No. 219P (59)

Page 1

Br. Ex. 87

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (UGAKI)

Excerpt.

TOKYO, August 16, 1938.

No. 1026

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I am directed to make comprehensive and emphatic representations to the appropriate Japanese authorities through Your Excellency, recalling succinctly the essential facts and circumstances of the attacks of these American mission properties at Wuchang, and to point out that notwithstanding the fact that the mission properties have been marked on maps delivered by the American Consul General at Shanghai to the Japanese authorities the mission properties under reference have been bombed no less than seven times since July 6 last, and particularly to emphasize the fact that in the course of these attacks American lives have been directly imperilled.

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JOSEPH C. GREW

Foreign Relations I, p. 619

983

Br. Ex. 88

PRESS RELEASE ISSUED BY THE DEPARTMENT OF
STATE ON AUGUST 26, 1938

Excerpt.

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EXCELLENCY: Acting under instructions, I have the honor on behalf of my Government to protest to Your Excellency against the unwarranted attack on August 24, 1938, near Lacao, by Japanese airplanes upon a commercial airplane operated by the China National Aviation Corporation resulting in the total destruction of the commercial airplane, the loss of the lives of a number of noncombatant passengers, and the endangering of the life of the American pilot.

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(Signed) JOSEPH C. GREW

Foreign Relations I, p. 619
at p. 620

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Br. Ex. 117

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO
THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpt.

No. 1111

TOKYO, November 7, 1938

YOUR EXCELLENCY: In the note No. 1076 of October 6, 1938, which I had the honor to address to Your Excellency's distinguished predecessor, mention was made, among other points, of the exclusion from the lower reaches of the Yangtze River of American and other non-Japanese shipping although Japanese merchant vessels are carrying Japanese merchandise between Shanghai and Nanking, to the exclusion of merchandise of other countries. I pointed out to His Excellency Prince Konoye that this treatment of American shipping and commerce, as well as the treatment by Japanese authorities of other American interests in China, not only violates American rights but is in direct contravention of assurances repeatedly affirmed by the Japanese Government to the American Government that the principle of the open door and equal opportunity in China would be supported by the Japanese Government.

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Foreign Relations I, p. 794

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Br. Ex. 92

THE AMERICAN AMBASSADOR IN JAPAN (GREW)
TO THE JAPANESE MINISTER FOR FOREIGN
AFFAIRS (ARITA)

Lives et property

Excerpts

No. 1230

TOKYO, March 30, 1939.

EXCELLENCY: Acting under instructions, I have the honor to inform Your Excellency that my Government formally and emphatically protests the continued disregard by the Japanese military forces of American lives and property in China.

In this connection I am directed to invite the attention of the Japanese Government to the ever lengthening list of instances in which, as a result of air raids by the Japanese forces, American properties, although clearly marked and the location thereof previously reported with accompanying maps to the Japanese authorities, have been damaged and in some cases destroyed.

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An outstanding example of the instances to which my Government refers is the recent bombing of the American Lutheran Mission at Tungpeh which resulted in death or grave injury to certain members of the Nyhus family. Twenty-eight of the attacks upon American property reported to the Japanese Government since the beginning of this year include three bombings on November 13, 14, and 18, 1938, of property of the Christian and Missionary Alliance at Teiping; bombing of the Peniel Missionary Home at Sai Nam, Kwangtung, in June 1938 and again on October 22, 1938; bombing on October 3 and 5, 1938, of property of the Standard-Vacuum Oil Company at Nanchang; bombing on December 24 and again five days later on December 29, 1938, of buildings of the Christian and Missionary Alliance at Kweilin, which resulted in the killing and wounding of members of the staff of the mission and refugees therein; the bombing on December 29, 1938, of the American Southern Baptist Mission hospital, also at Kweilin, and the bombing on December 29, 1938, of the American Southern Baptist Mission at Shiuchow. Further bombings occurred on January 10, 1939, which resulted in the demolition of and damage to buildings belonging to the Evangelical Lutheran Mission at Shasi, Hupeh; on November 13 and November 23, 1938, and again on January 12, 1939, which resulted in the destruction of hospital and residence buildings belonging to the American Presbyterian Mission, North, at Fengyang, Hunan; on

Br. Ex. 92

January 15, which resulted in serious damage to the property of the Sutch Girls' School of the American Methodist Episcopal Mission at Chungking; on January 23, which resulted in damage to the American Church Mission at Kuling; on February 4, which resulted in damage to property belonging to the Werner G. Smith Company at Wanhsien; on February 22, which resulted in damage to the hospital of the Covenant Missionary Society at Kingmen; on February 25 which resulted in damage to the American Catholic Mission at Loting, and the serious wounding of Father Kennelly; on March 8, which resulted in damage to two compounds of the American Church Mission at Ichang, bombed in separate raids; and again on March 14, which resulted in damage to the St. James School property of the same mission at Ichang; on March 17, when the American Southern Baptist hospital at Chengchow was bombed twice, causing six casualties; again on March 19, when this same property was bombed for the seventh time since February 1938; on March 20, resulting in serious damage to property of the Covenant Missionary Society at Siangyang, Hupeh, and to the Santeh Bible School premises of the Lutheran United Mission at Fenchang, Hupeh.

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JOSEPH C. GREW

Foreign Relations I, pp. 643-645

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ORAL STATEMENT BY THE AMERICAN AMBASSADOR
IN JAPAN (GREW) TO THE JAPANESE MINISTER
FOR FOREIGN AFFAIRS (ARITA), NOVEMBER 21,
1938.

Excerpts.

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Your Excellency has discussed the question of the "exploit-
ation" of China and spheres of influence therein. I think Your
Excellency will agree with me that the historical record shows
clearly that the United States of America has never attempted
to "exploit" China or to acquire any "sphere of influence" what-
ever in that country. Our desire always has been and is today
to avoid spheres of influence and exploitation by or in any one
country.

Our interpretation of the Open Door is totally contrary to
those principles. The principle of equality of commercial
opportunity has been a fundamental principle of the foreign
policy of the United States ever since our country came into
existence. The treaties relating to the Far East to which the
United States is a party and in which provisions relating to
that principle appear were in all instances concluded with a
view to decreasing and avoiding frictions which had developed
in or which might develop in international contacts in that
area.

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There can be no doubt that owing to Japan's actions and
policies in China there is good reason why both Your Excellency
and I should be disturbed with regard to the developing situa-
tion in Japanese-American relations. For my part I am more dis-
turbed at present than I have been for a long time and it seems
to me that whatever may result from our future conversations
and negotiations Japan should now without further delay proceed
to take the obvious steps to prevent those relations from
steadily deteriorating.

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Another obvious step of prime importance on the part of
the Japanese authorities would be forthwith to cease the bomb-
ings of and other interference with American mission and other
property in areas far removed from military or naval operations.

Such unwarrantable acts are taking place constantly, the reports of which are daily pouring into our Embassy. The plea that these outrages are accidental is obviously untenable in view of the volume and constancy of these depredations which recently have involved not only the loss of American property but the loss of American life, and the desecration of our flag.

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Foreign Relations I, p. 898 at
pp. 809-811

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Br. Ex. 71

MEMORANDUM BY THE COUNSELOR OF EMBASSY IN JAPAN (DOOMAN)

Excerpt.

(TOKYO,) November 19, 1938.

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Mr. Arita went on to say that there prevails a widespread feeling that the Japanese Government has now adopted a new policy--one of closing the open door in China. There had, in fact, been no change in policy. His several predecessors had on several occasions given assurances to the American, British, and other representatives in Tokyo that Japan would respect the principle of the open door. As a matter of fact, those assurances were not intended to be unconditional, for the reason that the time had passed when Japan could give an unqualified undertaking to respect the open door in China. He was not implying that his predecessors had given the assurances in bad faith; on the contrary, he felt certain that they were acting in the best of faith, but what they were attempting to do was to reconcile the principle of the open door with Japan's actual needs and objectives, and that could not be done. As he had previously explained, those objectives are to provide Japan with a market secure against any possible threat of economic sanctions and to acquire safe sources of necessary raw materials; but within those limits Japan was prepared to guarantee equality of opportunity. There would be given full consideration to those enterprises conducted by foreigners other than Japanese which would in no way conflict with or obstruct the carrying out of these primary objectives, and with respect to those enterprises, whether industrial, commercial, or financial, the Japanese Government was fully prepared to give unqualified guarantees. But with regard to other undertakings which overlapped the Japanese economic defense plans, it was no longer possible for Japan to extend any such guarantee. When he came into office, he decided that it would be mischievous as well as useless to attempt to reconcile the principle of the open door, as understood in the United States and elsewhere abroad, with the new situation which Japan was endeavoring to bring about. He therefore declined to repeat those assurances in the note which was yesterday sent to the American Government.

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E (UGENE) H. DOOMAN

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Br. Ex. 73

THE AMERICAN EMBASSY IN JAPAN TO THE JAPANESE
MINISTRY FOR FOREIGN AFFAIRS

AIDE-MEMOIRE

The American Ambassador on August 23 brought orally to the attention of the Vice Minister for Foreign Affairs the desire of the diplomatic representatives at Nanking of the United States, Great Britain, France, Germany and Italy that Japanese bombing operations be excluded from an area in that city wherein they and some of their nations reside and where foreign shipping is anchored. The American Government feels, however, that other aspects of the matter demand equal consideration. The extensive bombing of that city on the night of August 26 placed in danger the lives and property of noncombatants, both foreign and Chinese, and it has seemed to the American Government that the appropriate Japanese authorities, when this fact is brought to their attention, may desire to limit future action in accordance with the restraints which considerations of humanity and of international comity usually impose on the bombing of the political capital of a country, especially when no state of war exists. Both before and after the earlier request for the protection of a defined area, there occurred bombing operations over the city which extensively damaged the buildings and killed and injured several of the employees of the National Central University and also resulted in the burning alive of numerous peaceful Chinese in one of the poorer quarters. These scenes of destruction have been visited by foreign diplomatic officers. The Government and people of the United States are in friendly relations with China as with Japan. Basing its appeal, therefore, on these friendly relations and on the principle of ordinary humanity, the American Government requests the discontinuance of activities which, despite their military objectives, result actually in the indiscriminate destruction of property used for educational and other non-military purposes and in the wounding and painful death of civilians.

The American Government is also greatly concerned over the fact that there are American citizens still scattered throughout China who will have to use the railways and motor roads as their only means of leaving for places of comparative safety. In view, therefore,

Br. Ex. 73

of the widespread bombing operations now being carried out by the Japanese military throughout Chinese territory the American Government feels that it may properly make representations to the Japanese Government with a view to persuading it to refrain from attacks upon defenseless cities, hospitals, trains and motor cars, et cetera. There is grave risk that sooner or later some incident will take place resulting in the death or injury to American citizens who are going about their legitimate occupations within the interior of China where such dangers should not exist. Japan declares that it is not at war with China and yet its planes are conducting raids far in the interior, dropping deadly missiles with consequent serious damage to the rights of other nations.

The attention of the Japanese Government is invited to the situation described in the foregoing paragraphs in the hope that appropriate instructions may be issued to its military forces in the field.

TOKYO, September 1, 1937

Foreign Relations I, pp. 494-495

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P. 3

SUMMARY OF JAPAN-AMERICAN NEGOTIATIONS DURING
FOREIGN MINISTER ARITA'S TENURE OF OFFICE (FROM NOV.
1938 UNTIL JULY 1939)

(September 2nd 1941)

- I. Prior to Minister ARITA assuming his duties as Foreign Minister in November 1938 Ambassador GREW remarked to Premier KONOYE (concurrently holding the post of Foreign Minister) on October 3rd that he wished to discuss orally regarding problems that the U. S. President felt as possessing direct interests, and after stating that, notwithstanding that the respecting of American rights and interests in China as well as the Open-Door Policy as well as Principle of Equal Opportunity had been definitely guaranteed by the former Minister (T.N. Foreign Minister), he regretted to have to declare that the infringing of American rights and interests had not ceased and that the Open Door Policy was still being ignored, and after citing some instances such as Exchange Control and Trade Restrictions etc. in North China, he demanded that prompt and effective measures be taken in order to carry out the guarantee that had been duly made. (Annexed Document No. 1). To this Minister KONOYE replied that Japan's China Policy as well as foreign policy remained unchanged, and that Japan's assertion with regard to the respecting of foreign rights and interests relative to China as well as the maintenance of the Open Door Policy and the Principle of Equal Opportunity remained unchanged, adding that, although in point of fact, there had been cases at times which were not settled satisfactorily due to military strategic necessity or other reasons, he was striving to settle matters as satisfactorily as possible upon the conditions returning to their normal state. He also stated that, with regard to commercial and tradal problems, he wished to, after studying same, comply with the Ambassador's request at the earliest possible opportunity.
- Ambassador Grew subsequently sent a note embodying the same contents as the foregoing paragraph. (Annexed Document No. 2).
- II. The manner of reply to the aforesaid American Ambassador's note was studied ever since the appointment of ARITA as Foreign Minister and although it had been decided to put off the said reply until conditions had become settled for awhile as it happened to be just before the fall of Canton with the capitulation of Hankow being close at hand, so that the state of affairs was changing rapidly, in view of this matter representing problems which, after all, possess an important bearing to the Nine-Power Pact, after studying the draft of the reply based on the policy of:

- 1.3
- (a) Avoiding all phraseology whatsoever that would reaffirm the principles of the Open Door and Equal Opportunity based on the Nine-Power Pact,
- (b) Making them understand that, although the existing rights and interests of Third Powers will be respected, this is not being done as a corollary of the Nine-Power Pact.
- (c) Making them understand that the standard laws governing the future economic activities by Third Powers in New China shall be established in conformity with the new conditions, a reply was sent on November 18th to the following effect, in addition to giving explanations to each of the instances cited in the American note and clarifying the point that their claims regarding Infringement of Rights and Interests were unjustified, viz.:
- (1) It is hoped that, inasmuch as military activities are being conducted on a unprecedented scale in East Asia, the United States will note the fact that there may be times when difficulties may occur in executing our intention regarding the respecting of American rights and interests,
 - (2) The Empire believes that it will not solve urgent problems of the moment or aid towards the establishing of permanent peace in East Asia by attempting to gauge the present and future state of affairs by ideas or principles in their original form that were applied to the pre-incident state of affairs, especially at this time when the Empire is dashing ahead with the Establishment of a New Order in East Asia and when new conditions are setting in in East Asia.
 - (3) Should any Third Power or Powers participate in the gigantic task of Reconstruction of East Asia in the fields of enterprises and trade by appreciating the afore-mentioned points, the Empire shall have no objection whatsoever towards same. (Annexed Document No.3).

III. When Minister ARITA invited Councillor Dooman of the U. S. Embassy at Tokyo on November 19th and asked about the impressions regarding the recent Japanese Reply, Dooman replied that Ambassador Grew's impression regarding the said Reply seemed to be that "It represented a wholesale denial of the American Demands," whereupon Minister ARITA explained that it would be excusable if the Open Door policy and the principle of Equal Opportunity were applied to the entire world from the start, but it is extremely illogical to apply same today to China only. ARITA then went on to say that his predecessor gave his guarantee regarding the

p.5 respecting of the said principles by being of the belief that the actual prevailing conditions could be made to harmonize with the Open Door Policy and the principle of Equal Opportunity, but that, in his own opinion, it was no longer possible to expect the said harmony, at the same time explaining the great pains taken by Japan in regard to the said reply, to which Dooman stated that it was extremely regrettable that there were over 300 cases recently remaining unsettled despite their having no connections with military actions and being extremely trivial matters, and that the recent official American note was the result of the American commercial concerns in various parts of China exerting severe pressure on their Home Government, at the same time pointing out that the United States did not make any reference to the Nine-Power Pact.

IV. On inviting Ambassador Grew to Tokyo subsequently on the 21st of the same month and conferring with him on the same principle as per the foregoing paragraph, Grew declared as follows after making the introductory remark that what he would be saying today would not be in the nature of any reply whatsoever to the Japanese Note of the 18th:-

(1) The United States Government has never attempted to exploit China nor extend American influences in China. The United States Government's interpretation of "Open Door" is totally different from the foregoing. In other words, the principle of Equal Opportunity in regard to Commerce has always been the actual basic principle of the United States.

(2) All of the treaties concerning the Far East embodying the said principle, and to which the United States is a signatory, were concluded for the purpose of preventing the occurrence or likely occurrence of international friction in the Far East, and the United States Government is intent upon checking the present day trend of international anarchy as well as contributing towards the adjustment of international relations as well as restoration of international order, and it is the advocacy of the United States that this object can be attained by peaceful negotiations and agreements as well as by faithful fulfillment of international agreements.

p.6

(3) The Commercial Policy of the United States lies in aiming at international concord by striving for the expansion of foreign trade by means of removing obstacles lying in the way of the international distribution of commodities. I believe that the frequent instances of other countries trying to gain most-favored footings do not contribute towards establishing prosperity in the United States and the world.

(4) On November 3rd Premier KONOYE stated that "Japan will cooperate with any Third Power that appreciates Japan's real intentions and adopts a policy that conforms to the new state of affairs," but what is the concrete meaning of this statement? Surely he does not mean the kind of co-operation whereby, as is being generally rumored, Americans can not engage in trade in China without going through the hands of Japanese merchants.

(5) Minister ARITA expressed his wish that the United States should allow Japan sufficient time to see what the results would be, but there is a limit to the patience of the American people. Considering it impossible to pacify public opinion, the Government has, to begin with, demanded the liberation of the Lower Yangtze region as well as the suspension of bombing of and other interference with churches and their properties situated at considerably far-off distances from the scene of military operations. (Annexed Document No. 4).

p.7 To the foregoing Minister ARITA explained that, in regard to Item (4) of the foregoing paragraph, it is difficult, as was made plain in the last part of our Reply dated the 18th, it was impossible for Japan to recognize the unconditional application of Equal Opportunity and Open Door at the present day when the state of affairs in China has become changed, but that Japan possesses the desire to cooperate with Third Powers in the event of the foregoing becoming understood, at the same time remarking in connection with the rumours as specified at the end of the said paragraph that such a thing was totally impossible and could also not be put into practice, whereupon Grew stated that he felt relieved on hearing the foregoing.

p.8 Minister ARITA further explained that the assertion that Japan's Open Door Policy and Principle of Equal Opportunity might clash with the respecting of rights and interests of Third Powers implied that measures necessary for fostering the closer relationship of Japan and China as well as for ensuring Japan and China's rights of existence might at times necessitate eliminating the application of the aforesaid Principles to some extent, so that there was still considerable room left for economic activities of other countries.

As Grew then asked as to what was meant by the New Order, Minister ARITA replied that same implies the establishing of co-operation between Japan, Manchoukuo, and China in regard to Politics, Economy, and Culture, meaning, as for example, that Political Co-operation is indispensable for exterminating the Anti-Japanese Policy as well as Pro-Communist Policy that have so far been the causes of unrest in the Orient, whereas, furthermore, in regard to Economic Cooperation, it may become necessary, as mentioned above, to

eliminate, to some extent, the application of the Open Door and Equal Opportunity Principles.

Furthermore, on Grew remarking that he considered it necessary for Japan to make some sort of gesture in order to pacify the excited feelings of the general public in the United States, the Minister replied that, although he recognized the need of same on principle, he was not in a position to say any more as the question of Liberation of the Yangtze River had already been replied to.

- V. On December 8th Minister ARITA invited Grew, and after having explained as follows regarding the unanswered points of the foregoing Clause IV, handed to him a written note embodying the said points (Annexed Document No. 5.)

p. 9

(1) Referring to the views of the United States as per the former part of Item 2 of the foregoing Clause IV, the application, in their original form, of the various treaties which were concluded at the time for the purpose of preventing international disputes in the Orient would, with the general change of conditions in the world, as well as the new state of affairs that is developing in the Far East, rather hamper the bringing about of Peace and Universal Prosperity.

V.C.

(2) Equal Opportunity in regard to Commerce is what the Empire has been hitherto demanding of the world, and although we agree, on principle, to the opinion of the United States that Equal Opportunity in regard to Commerce will bring about World Peace, but, as things are at present, good quality and low-priced Japanese goods are meeting with discriminatory treatment all over the world. As regards the gaining of a most-favoured footing by one country in other countries as per Item (3) of the foregoing Clause IV, the Most-Favoured relations between the British Empire with her colonies as well as co-mutually among her colonies were pointed out, at the same time asserting that the contention that in the case of the British Empire it is unavoidable as it applies to a single political unit but that the establishing of economic relations between Japan, Manchoukuo, and China similar to those within the British Empire can not be recognized in view of the said three countries not constituting a single political unit, can not be tolerated.

(3) Moreover, it was reiterated that it was Japan's belief that it would by no means contribute towards stabilizing the world to let an economic unit like that of Japan exist on one hand against such large economic units of the British Empire,

the United States and the Soviet Union on the other, and that, as the relations of Japan, Manchoukuo and China in regard to mutual economic cooperation emanated from the afore-mentioned idea, same would not conflict with the prosperity of the world. This collaboration has for its objects:-

(a) In regard to the field of enterprise, the guaranteeing of supply of products that are indispensable from the standpoint of national existence. To attain this object there may be enterprises that require the granting of special monopolistic rights in order to foster their development. In regard to such enterprises, Third Powers will be welcomed, within the sphere of the plans of Japan, Manchoukuo, and China, to participate in regard to capital, technics or resources, but the establishment of competitive enterprises shall not be recognized.

(b) Furthermore, in regard to the field of foreign trade, it shall be the principle not to make any special discriminatory treatment by enforcing Customs tariffs or other export and import counter-measures.

To this, Grew remarked that he believed it to be the stand of the United States Government that it could not recognize any one-sided alterations to any treaties or other agreements until the necessary procedure regarding alteration of same be taken conjointly by the countries concerned, after which he stated that it would

p.11

be desirable to prove by actual facts that Japan will not show discriminatory treatment.

VI. On December 26th Grew was invited and told that it was regrettable that, whereas it had already been made clear on repeated occasions that Japan entertained no intention of closing the Chinese Market, the editorial tone of some of the American newspapers and magazines went to show that Japan's real intention was not being understood, whereupon Grew stated that, although the said newspapers and magazines were not necessarily expressing the views of the Government, it was nevertheless true that the American public in general were feeling greatly uneasy regarding Japan's actions in China, also adding that the use of restrictive phraseology, on the occasion of the previous interview such as having stated that it would be necessary to give protection to "certain" industries and "special" enterprises is liable to create uneasiness regarding Actual Treatment. To this the Minister replied that such restrictions should not be interpreted in a broad sense, whereupon Grew again expressed his desire to have the foregoing demonstrated by actual facts.

p.12

On that occasion Ambassador Grew remarked that it was regrettable

to have issued a statement like that of November 3rd regarding the Open Door and Equal Opportunity in China notwithstanding that same had been guaranteed by Foreign Minister GHU as well as Minister KONOYE, whereupon the Minister repeated the same explanation that he had made to Councillor Docman on November 19th.

VII. On December 31st Ambassador Grew visited the Vice-Minister (adding that, although he had visited the Vice-Minister due to Minister ARITA being away on a trip, he wished it to be understood that same would have the same results as having visited the Minister) and handed him an official note expressing the views of the United States in regard to Japan's Reply to the United States under date of November 18th. The Vice-Minister asked for an explanation of the main points of the said note, to which Grew explained that same expresses the views of the United States Government as follows:-

(1) The so-called New State of Affairs in the Far East can not be created only by Japan's ex-parte Declaration, but should be recognized only by means of a Conference.

(2) It is true that the Powers including the United States possess special rights in China, and although the United States has always been advocating that such discriminatory special rights should be abolished and that China should be granted an equal (T.N. original says UNEQUAL) position, it is believed that such changes in the state of affairs should also be effected at a Conference of the Powers, and also added that, as the United States possesses special interest in the state of affairs in the Far East, the United States would announce same at the first opportunity. (Annexed Document No. 6).

VS
Policy

VIII. Ever since then, the conversations between the Minister and Ambassador Grew became suspended, but on the occasion of Ambassador Grew's temporary return to the United States (T.N. the original specifies KICHO implying return to Japan, probably an error) in May 1939, Minister ARITA handed the said Ambassador a note as per Annexed Document, and Premier HIRANUMA also requested him to convey a message addressed to Secretary of State Hull. (Annexed Documents Nos. 7 and 8.)

C E R T I F I C A T E

I.P.S. Doc. No. 1573

Statement of Source and Authentication

I, ODO Nagaharu, hereby certify that I am officially connected with the Japanese Government in the following capacity: Assistant Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the document hereto attached consisting of 13 pages, dated 2 Sept. 1941, and described as follows:

Summary of Japanese-American Negotiations During Foreign Minister ARITA's Term of Office (from Nov. 1938 until July 1939).

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files): Foreign Ministry.

Signed at TOKYO on this
31st day of October, 1946.

(s) Nagaharu Odo
(SEAL)

Ass. Chief, Archives Section
Official Capacity

Witness: (s) M. Emura

Statement of Official Procurement

I, RICHARD H. LARSH, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at TOKYO on this
31 da. of October, 1946

(s) Richard H. Larsh
NAME

Witness: Eric W. Fleisher, 2nd Lt. AUS Investigation Division, I.S
Official Capacity

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Document No. 219P (85)
Br. Ex. 119

Page

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO
THE JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpt.

No. 1126

TOKYO, November 24, 1938.

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It has recently been brought to the attention of my Government that the Chinese Maritime Customs at Canton was taken over by the Japanese consular and military authorities on November 9, 1938, and that the acting deputy commissioner in charge was informed by those authorities that no customs funds then owing or there in banks might be transferred to the Inspector General of Customs without the permission of the Japanese authorities.

Accordingly, acting under instructions from my Government, I have the honor formally to protest against the taking over of the Chinese Maritime Customs House at Canton by the Japanese authorities. My Government is of the opinion that this reported action constitutes an infringement of the international status of the Chinese Maritime Customs. . . .

Foreign Relations I, p. 746 at
p. 747

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*on Movement
open door*

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpts.

No. 1153

TOKYO, December 30, 1938.

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In the light of facts and experience the Government of the United States is impelled to reaffirm its previously expressed opinion that imposition of restrictions upon the movements and activities of American nationals who are engaged in philanthropic, educational and commercial endeavors in China has placed and will, if continued, increasingly place Japanese interests in a preferred position and is, therefore, unquestionably discriminatory in its effect against legitimate American interests. Further, with reference to such matters as exchange control, compulsory currency circulation, tariff revision, and monopolistic promotion in certain areas of China the plans and practices of the Japanese authorities imply an assumption on the part of those authorities that the Japanese Government or the regimes established and maintained in China by Japanese armed forces are entitled to act in China in a capacity such as flows from rights of sovereignty and further in so acting to disregard and even to declare nonexistent or abrogated the established rights and interests of other countries including the United States.

The Government of the United States expresses its conviction that the restrictions and measures under reference not only are unjust and unwarranted but are counter to the provisions of several binding international agreements, voluntarily entered into, to which both Japan and the United States, and in some cases other countries, are parties.

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The Government of the United States in its note of October 6 requested, in view of the often reiterated assurances proffered by the Government of Japan of its intention to observe the principle of equality of opportunity in its relations with China and in view of Japan's treaty obligations so to do, that the Government of Japan abide by these obligations and carry out these assurances in practice.

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The Japanese Government in its reply appears to affirm that it is its intention to make its observance of that principle conditional upon an understanding by the American Government and by other governments of a "new situation" and a "new order" in the Far East as envisaged and fostered by Japanese authorities.

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This country's adherence to and its advocacy of the principle of equality of opportunity do not flow solely from a desire to obtain the commercial benefits which naturally result from the provisions of that principle. They flow from a firm conviction that observance of that principle leads to economic and political stability, which are conducive both to the internal well-being of nations and to mutually beneficial and peaceful relationships between and among nations; from a firm conviction that failure to observe that principle breeds international friction and ill-will, with consequences injurious to all countries, including in particular those countries which fail to observe it; and from an equally firm conviction that observance of that principle promotes the opening of trade channels thereby making available the markets, the raw materials and the manufactured products of the community of nations on a mutually and reciprocally beneficial basis.

The principle of equality of economic opportunity is, moreover, one to which over a long period and on many occasions the Japanese Government has given definite approval. It is one to the observance of which the Japanese Government has committed itself in various international agreements and understandings. It is one upon observance of which by other nations the Japanese Government has of its own accord and upon its own initiative frequently insisted. It is one to which the Japanese Government has repeatedly during recent months declared itself committed.

The people and the Government of the United States could not assent to the establishment at the instance of and for the special purposes of any third country of a regime which would arbitrarily deprive them of the long established rights of equal opportunity and fair treatment which are legally and justly theirs along with those of other nationals.

Fundamental principles such as the principle of equality of opportunity which have long been regarded as inherently wise and just which have been widely adopted and adhered to, and which are general in their application are not subject to nullification by a unilateral affirmation

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In the light of these facts, and with reference especially to the purpose and the character of the treaty provisions from time to time solemnly agreed upon for the very definite purposes indicated, the Government of the United States deprecates the fact that one of the parties to these agreements has chosen to embark--as indicated both by action of its agents and by official statements of its authorities--upon a course directed toward the arbitrary creation by that power by methods of its own selection, regardless of treaty pledges and the established rights of other powers concerned, of a "new order" in the Far East. Whatever may be the changes which have taken place these matters are of no less interest and concern to the American Government than have been the situations which have prevailed there in the past, and such changes as may henceforth take place there, changes which may enter into the producing of a "new situation" and a "new order", are and will be of like concern to this Government. This Government is well aware that the situation has changed. This Government is also well aware that many of the changes have been brought about by the action of Japan. This Government does not admit, however, that there is need or warrant for any one Power to take upon itself to prescribe what shall be the terms and conditions of a "new order" in areas not under its sovereignty and to constitute itself the repository of authority and the agent of destiny in regard thereto.

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The Government of the United States has at all times regarded agreements as susceptible of alteration, but it has always insisted that alterations can rightfully be made only by orderly processes of negotiation and agreement among the parties thereto.

The Japanese Government has upon numerous occasions expressed itself as holding similar views.

The United States has in its international relations rights and obligations which derive from international law and rights and obligations which rest upon treaty provisions. Of those which rest on treaty provisions, its rights and obligations in and with regard to China



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Trade

THE AMERICAN AMBASSADOR IN JAPAN (GREW) TO THE
JAPANESE MINISTER FOR FOREIGN AFFAIRS (ARITA)

Excerpt.

No. 1207

TOKYO, March 11, 1939.

EXCELLENCY: The renewed attention of Your Excellency is invited to my note No. 1178, dated February 6, 1939, relating to the imposition by the Japanese naval authorities at Chefoo of various restrictions on the shipment of merchandise, to the informal memorandum relating to unwarranted restrictions placed upon American personal and business interests in Tientsin which was left by the Counselor of the Embassy on (with) the Director of the American Bureau of the Foreign Office on February 6, 1939, and to the aide memoire which was left at the Foreign Office on March 8, 1939, in which the hope was expressed that, in view of the continued imposition of such restrictions at Tientsin, necessary steps would immediately be taken to alleviate those restrictions.

From various sources the Government of the United States has received further information to the effect that the Japanese sponsored regime in North China, with the support of the Japanese authorities, has brought about the imposition of drastic trade restrictions, including the requirement of export permits and controlled money exchange.

The Government of the United States regards these export restrictions as the most comprehensive discrimination against the United States and other foreign countries and in favor of Japan which has yet been established in North China by Japanese authorities and as a virtual nullification in that area of the principle of equal opportunity so far as import and export are concerned.

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THE AMERICAN CHARGE IN JAPAN (DOOMAN) TO THE JAPANESE
MINISTER FOR FOREIGN AFFAIRS (ABE)

Excerpts.

No. 1366

TOKYO, September 1, 1911

EXCELLENCY: I have the honor to inform Your Excellency that the Japanese military forces at Swatow have continued to occupy the premises of the Chinese Maritime Customs at that port for a period of more than two months.

It is the view of my Government that the actions, as set forth above, of the Japanese authorities at Swatow constitute an effective seizure of the Chinese Maritime Customs at Swatow. I am, accordingly, desired by my Government to protest against such seizure and continued occupation of the customs house which prejudice the integrity of the Chinese Maritime Customs. My Government takes this occasion to reiterate and further to emphasize to the Japanese Government its very real interest in the preservation and integrity of the Chinese Maritime Customs and in the safeguarding of the customs revenues.

I avail myself, (etc).

Eugene H. Dooman

Foreign Relations I, pp. 748-749

REPORT FROM WASHINGTON NO. 707
(Dated July 26, 1939)*End of Commercial Treaty*

Notification from the U. S. Secretary of State Hull to the Japanese Ambassador to the U. S. HORINOUCI in regard of the abolition of Japanese-American Commercial Treaty.

I take the liberty to inform you that, during the recent years the Government of the United States has been examining the treaties of commerce and navigation in force between the United States and other countries with a view to determining what changes may need be made toward better serving the purposes for which such treaties were concluded.

In the course of this survey, the Government of the United States has come to a conclusion that the Treaty of Commerce and Navigation existing between the United States and Japan which was signed at Washington on February 21, 1911, contained provisions which deserve new consideration.

In order to find an adequate method for such consideration, and with a view to better safeguarding and promoting American interests as new developments may require, the Government of the United States, acting in accordance with the procedure prescribed in Article XVII of the said treaty, hereby wishes to give notice of its desire that this treaty be terminated, and that having thus given notice, the United States expects the treaty, together with its annexed protocol, to expire after six months from this date.

In concluding this letter, I beg to renew my respects to you.

Respectfully yours,

C E R T I F I C A T E

I.P.S. No. 713

Statement of Source and Authenticity.

I, HAYASHI Kaoru hereby certify that I am officially connected with the Japanese Government in the following capacity: Chief of the Archives Section, Japanese Foreign Office, and that as such official I have custody of the document hereto attached consisting of one page, dated 26 July, 1939, and described as follows:

JAPANESE-AMERICAN RELATIONS IN REGARD TO THE ABOLITION OF THE JAPANESE-AMERICAN COMMERCIAL TREATY ON 26 JULY 1939, being U. S. notice to Japan of intention to abolish said Commercial Treaty.

I further certify that the attached record and document is an official document of the Japanese Government, and that it is part of the official archives and files of the following named ministry or department (specifying also the file number or citation, if any, or any other official designation of the regular location of the document in the archives or files):

Foreign Ministry

Signed at Tokyo on this
19th day of Sept., 1946.

(s) K. Hayashi
Signature of Official

SEAL

Witness: (s) Nagahara Odo

Official Capacity

Statement of Official Procurement

I, Richard H. Larsh, hereby certify that I am associated with the General Headquarters of the Supreme Commander for the Allied Powers, and that the above described document was obtained by me from the above signed official of the Japanese Government in the conduct of my official business.

Signed at Tokyo on this
19th day of Sept., 1946

/s/ Richard H. Larsh
NAME

Witness: /s/ T/4 Toguchi

Investigator, IPS
Official Capacity

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ORAL STATEMENT BY THE AMERICAN AMBASSADOR IN JAPAN
(GREW) TO THE JAPANESE MINISTER FOR FOREIGN AFFAIRS
(ARITA) ON MAY 11, 1939

Excerpts.

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I have now been instructed by my Government to call on Your Excellency and, primarily on humanitarian grounds, and in reiteration of the representations made on both occasions mentioned, emphatically to express the most serious concern at the recent indiscriminate bombings of the civilian populations of Chungking, Swatow, Ningpo, and Foochow. According to information reaching my Government, the destruction caused by these air raids by the Japanese forces was confined almost entirely to civilian lives and the property of civilians.

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Added to the humanitarian factor applying to non-combatants generally, there exists the emphatic objection of the American Government to the jeopardizing of the lives of its own nationals which must inevitably arise from such indiscriminate attacks. I need hardly remind Your Excellency of the repeated bombings of American property in China, of which approximately 140 separate instances have come to my Government's attention during the present hostilities, in spite of the fact that these properties were clearly marked by American flags and their positions notified to the Japanese military authorities. Loss of American life, wounds and serious property damage were caused. The fact that during a recent period reports of these attacks on American property dwindled, and for a time actually ceased, gave us the hope that effective steps were being taken to meet our representations.

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TELEGRAM
THE AMBASSADOR IN JAPAN (GREW) TO THE SECRETARY
OF STATE

TOKYO, May 18, 1939--7 p.m.
(Received May 18--10:03 a.m.)

Excerpt

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8. The Minister on his own initiative then turned to the subject of the so-called "South Sea advance*" and made to me the following confidential oral statement:

"We understand that, since the military occupation of Hainan Island by Japan and the placing of the Sinnan Gunto (Spratly Islands) under the jurisdiction of the Formosan Government General, rumors have spread, giving the impression as though Japan entertained some territorial designs toward the South Seas; that as a result certain interested countries are apprehensive, and that even some Americans have a similar apprehension with regard to the Philippines. The Japanese Government consider it regrettable from the standpoint of Japanese-American friendship that such apprehension has been aroused. They are, therefore prepared, if the United States Government should desire that some step be taken by the Japanese Government for the purpose of dispelling such apprehension, to enter into conversation with the United States Government."

Cipher texts by mail to Shanghai, Chungking, Peiping.

GREW

Foreign Relations II, p. 1 at
pp. 4-5

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Page 1

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THE SECRETARY OF STATE TO THE
AMBASSADOR IN JAPAN (GREW)
(Paraphrase)

Excerpts.

WASHINGTON, July 6, 1939--7 p.m.

183. On July 5, and at his own request, the Counselor of the Japanese Embassy (Suna) called at the Department.

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An informal memorandum was then handed to the Counselor in which was described the bombings of certain Protestant and Roman Catholic mission properties on June 23, 24 and 25, and the bombing of the Union High School, Foochow, on June 29.

Telegram repeated to Chungking.

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Foreign Relations I, p. 653

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MEMORANDUM BY THE SECRETARY OF STATE

Excerpt.

(6)

(WASHINGTON) July 10, 1939.

The Japanese Ambassador came in at my request. I then proceeded, without particular preliminaries, to read him the following:

"On two occasions between midnight and 2:00 a.m., July 6, two squadrons of Japanese planes raided Chungking. Bombs fell at random on both banks of the Yangtze River and in the city. One bomb fell within 400 feet of the residence of the Counselor of the American Embassy. Other bombs fell in the same general neighborhood, one landing about 300 yards from the residence of the American Ambassador. The Lewis Memorial Institutional Church at Chungking, an American institution, was badly damaged.

"Another raid was made by Japanese planes on Chungking on July 7 commencing about 12:40 a.m., and lasting until about 2:10 a.m. On this occasion bombs fell in various areas of the city and also on the south bank of the Yangtze, one bomb falling within 50 yards of the quarters of the Counselor of the American Embassy and causing about 30 Chinese civilian casualties.

MEMORANDUM BY THE SECRETARY OF STATE

"During these raids five bombs struck within 200 yards of the U.S.S. Tutuila. (WASHINGTON) July 10, 1939.

The Japanese Ambassador came in at my request. I then proceeded, without particular preliminaries, to read him the following:

C(ORDELL) H(ULL)

"On two occasions between midnight and 2:00 a.m., July 6, two squadrons of Japanese planes raided Chungking. Bombs fell at random on both banks of the Yangtze River and in the Foreign Relations I, p. 656 400 feet of the residence of the Counselor of the American Embassy. Other bombs fell in the same general neighborhood, one landing about 300 yards from the residence of the American Ambassador. The Lewis Memorial Institutional Church at Chungking, an American institution, was badly damaged.

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