

24 January 47

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Of
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Of
EXHIBITS

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1632W(25)	2266		Entry from Marquis KIDO's Diary dated 29 December 1938		16232
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1632W(35)	2275		Extract from Entry from Marquis KIDO's Diary dated 26 May 1940		16247
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Friday, 24 January 1947

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

The Tribunal met, pursuant to adjournment,
at 0930.

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Appearances:

For the Tribunal, same as before.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

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The Accused:

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

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

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

3 THE PRESIDENT: Major Moore.

4 LANGUAGE ARBITER (Major Moore): Mr. Presi-
5 dent, with the permission of the Tribunal we present
6 the following language corrections. As these have
7 already been distributed, only those items indicated
8 which affect the transcript will be read at this
9 time.

10 Record page 15,806: Line 1, substitute
11 "of" for "from"; line 2, delete "Expenditure"; line
12 9, substitute "of" for "from"; line 10, delete
13 "expenditure."

14 Record page 15,811: Lines 6 and 7, delete
15 from "Manchurian" to "expenditures" and substitute
16 "Secret Funds of the Manchurian Incident Account."

17 Record page 15,812: Lines 3 and 4,
18 delete from "Manchurian" to "Expenditures" and
19 substitute "Secret Funds of the Manchurian Incident
20 Account."

21 Exhibit 2214, record page 15,815: The
22 names found in this document are in the original
23 German.

24 Record page 15,817: Lines 15 and 16,
25 delete translator's note.

1 Exhibit 2215, record page 15,822: Line
2 15, substitute "substantially along" for "fairly
3 strongly in."

4 Record page 15,823: Line 17, substitute
5 "the ideal" for "your ideals."

6 Record page 15, 824: Line 6, delete "what
7 you would say."

8 Record page 15,825: Line 24, substitute
9 "necessarily" for "by all means."

10 Mr. President, we have a few more items
11 to present to the Tribunal, if the Tribunal please.

12 Record page 14,386: Line 22, there appear
13 the words "was KIMURA War Minister." This phrase
14 was put into Japanese by the interpreter so that
15 the question would mean "was KIMURA acting for
16 the War Minister."

17 The Tribunal is asked to take note of this
18 point.

19 Exhibits 270 and 2235, two translations
20 of the same original Japanese, have been referred
21 to the Arbitration Board. From a spot check we
22 find that either translation is acceptable. But
23 since exhibit 2235 is a slightly more exact render-
24 ing we recommend that it be accepted as the official
25 translation.

1 THE PRESIDENT: Thank you, Major. Those
2 corrections will be made.

3 Mr. Tavenner.

4 MR. TAVENNER: General Vasiliev is here
5 this morning and would like to make a statement.

6 THE PRESIDENT: General Vasiliev.

7 MAJOR GENERAL VASILIEV: If the Court
8 please, the gist of our motion made in court on
9 January 17 is as follows:

10 During the presentation of our evidence in
11 the prosecution case we cancelled temporarily some
12 of the documents on various matters and we did not
13 present them because we did not have the documents
14 in due form.

15 Mr. President suggested that we present
16 the whole evidence dealing with the matter later.
17 On this ground Minister Golunsky said we should
18 omit this group of documents with the understanding
19 that we should have an opportunity of presenting
20 them at a later date.

21 I respectfully invite the Tribunal's
22 attention to pages 7748 and 7749 of the record of
23 October 15, 1946. I am informed that these
24 documents have now been found and will be sent to
25 us from Moscow at the end of January, after having

1 been put in due form, which means that we shall
2 get them in the middle of February.

3 This is probably connected with the fact
4 that during the war the archives were transferred
5 deep into the country and are now being trans-
6 ferred back, which makes it hard to use them.

7 I am speaking of several documents deal-
8 ing with subversive activities of the Japanese on
9 the Chinese Eastern railroad, with an undeclared
10 war of aggression waged in the Nomongan area, with
11 subversive activities of the Japanese against the
12 USSR which were carried on in the Far East, and
13 with the preparation of war against the USSR.

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1 I deemed it my duty to inform the Tribunal
2 about this in order to leave no doubt in the minds
3 of the Tribunal.

4 We have no intention of holding open the
5 prosecution case until the Russian documents arrive.
6 If that was the understanding of the Court we pro-
7 bably did not quite clearly express our opinion.

8 As I understand it some of these documents
9 may be presented in the course of the cross-examination
10 of the accused, while the others may be presented in
11 rebuttal.

12 I, however, will be glad to follow any
13 ruling of the Court on that matter. Withdrawing my
14 motion on this point, I request the Tribunal to take
15 my today's statement into consideration.

16 THE PRESIDENT: This application is
17 unnecessary so far as the documents in question can be
18 got in during cross-examination or by way of rebuttal.
19 However, no doubt you are not sure about being able
20 to get in any document that way, and this application
21 is practically necessary. On this matter we are, of
22 course, bound by the Charter but not by any technical
23 rules.
24

25 Do I understand that the new documents will
be in substance the same as those already before the

1 Court?

2 MAJOR GENERAL VASILIEV: Yes, your Honor,
3 in substance they will be the same.

4 THE PRESIDENT: The defense know what the
5 new documents will be, in substance?

6 I must take the word of the Russian prosecutor
7 that the documents are in substance the same, those
8 already before the Court and those proposed to be
9 tendered later.

10 Our whole purpose must be to insure that the
11 defense are not prejudiced in any way. They will not
12 be prejudiced if they move this Court on the assumption
13 that the fresh documents will be admitted later if
14 the Charter permits. I come to no conclusion about
15 that without consulting my colleagues.

16 MAJOR GENERAL VASILIEV: Your Honor, we will
17 be glad to follow any ruling of the Court on that
18 matter as to the possible time of presentation of these
19 fresh documents.

20 MR. LOGAN: If the Tribunal please.

21 THE PRESIDENT: Mr. Logan.

22 MR. LOGAN: If my recollection is correct,
23 there are a number of documents which were in evidence
24 tentatively as offered by the Russian prosecutors.
25 There were also a number of documents which were not

1 permitted to be introduced in evidence, were merely
2 marked for identification. We do not know without
3 further reference to the record and a list from the
4 Russian prosecutors as to which documents they are
5 referring on this motion.

6 In any event, they have had three months
7 since this Court made its ruling with respect to all
8 those documents to get them here. In our motions to
9 dismiss we have taken the record as it exists today,
10 and we see no reason why the prosecution should be
11 permitted to introduce more documents on the defendants'
12 case. When they rest, they should rest for all
13 purposes.

14 MAJOR GENERAL VASILIEV: I really don't
15 know to what documents my learned colleague refers.
16 All our documents were admitted in evidence and we
17 have strictly followed all rulings of the Court and
18 have not violated them so far and have no intention
19 of doing it in the future.
20

21 As far as the presentation of fresh documents
22 is concerned, we hope that it will be possible to do
23 in the course of the cross-examination of the accused
24 or in rebuttal; and I am quite satisfied with the
25 remarks Mr. President made on that matter.

THE PRESIDENT: The Tribunal will consider the

1 matter.

2 Mr. Higgins, is Mr. Carr in the court?

3 MR. HIGGINS: We will have him sent for,
4 Mr. President.

5 THE PRESIDENT: He moved a motion on which
6 the Court has come to a decision, and I wish to give
7 the decision.

8 MR. HIGGINS: We have sent for him, Mr.
9 President.

10 THE PRESIDENT: Well, he may take some time
11 to get here, so you had better proceed with the presen-
12 tation of your evidence.

13 MR. HIGGINS: Mr. Lopez will proceed for
14 the prosecution.
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1 March of 1934. I was promoted to Lieutenant Colonel
2 in 1932.

3 "Q. G-2? What is that?

4 "A. Intelligence. I then went to the First
5 Infantry Regiment (Tokyo) and remained there until
6 March of 1935. I was transferred to the War Depart-
7 ment Military Affairs Bureau, remaining there until
8 June of 1936. From June of 1936 until March of
9 1937, I was a member of the staff of the Kwantung
10 Army. In 1936 I was promoted to Colonel. March of
11 1937 until November of the same year I was attached
12 to G-3 (operations) in the Tokyo General Staff.
13 From November 1937 until July 1938, I was the Adju-
14 tant of the General Staff of the Central China
15 Expeditionary Army. From July of 1938 until October
16 of 1939, I was the Adjutant of the General Staff with
17 the North China Area Army. In 1938 I became major
18 general. In October of 1939 I was appointed Chief
19 of the Military Affairs Bureau.

20 "Q. Then in April 1942 you left your office
21 as Chief of the Military Affairs Bureau and what
22 was your next position?

23 "A. I became Commander of the KONOYE Division
24 (Sumatra.)

25 "Q. How long were you there?

1 "A. I remained in Sumatra from 1942 until
2 October of 1944. Then in October 1944 I went to
3 the Philippines as Chief of Staff for the 14th Area
4 Army. In 1942 I became lieutenant general. In
5 September 1945, I was taken prisoner at the surrender.

6 "Q. General, from March 1937 to November 1937,
7 were you Chief of the Operations Section in the
8 General Staff here in Tokyo?

9 "A. Yes. I was not the Chief of Operations.
10 I was attached to Operations.

11 "Q. Weren't you subsequently appointed Chief
12 of the Operations Section?

13 "A. I was Chief of the Operations Section of
14 G-3 (Operations and Planning) and under that I was
15 Chief of Operations.

16 "Q. General, in any operation by the Army,
17 rather detailed plans have to be made before hand,
18 do they not?

19 "A. Ordinarily operational plans are drawn up
20 every year, however in case of an emergency, plans
21 are drawn up immediately.

22 "Q. General, what plans were drawn yearly?

23 "A. At that time, the annual plans involved
24 Northern Russia and China.

25 "Q. What part of China, General?

1 "A. North and Central China operations.

2 "Q. What were the plans against Russia?

3 "A. The plans involved defense in case of
4 Russian attack.

5 "Q. At what location would your defense be?

6 "A. Along the Manchurian borders.

7 "Q. Northern Manchuria?

8 "A. Yes.

9 "Q. Manchuria was a pretty good buffer against
10 Russia for Japan?

11 "A. It was intended as a buffer area.

12 "Q. Those plans were drawn yearly, is that
13 correct, General?

14 "A. These plans were reviewed annually, as done
15 by any staff.

16 "Q. You were on the staff in 1931 and 1932,
17 General?

18 "A. Yes."

19 We introduce in evidence IPS Document No.
20 1408--

21 THE PRESIDENT: Mr. Carr is here now.

22 MR. LOPEZ: Mr. Comyns Carr.

23 THE PRESIDENT: Mr. Carr, the other day
24 you moved the Tribunal to strike out of Count 25
25 the name TOGO and to insert in lieu thereof the name

1 TOJO. The application is granted so far as it
2 extends to the striking out of the name TOGO, but
3 refused so far as it includes the striking out --
4 the insertion of the name TOJO.

5 Mr. Lopez.

6 MR. LOPEZ: Shall I proceed, Mr. President?

7 THE PRESIDENT: Yes.

8 MR. LOPEZ: We introduce in evidence IPS
9 document No. 4108 which is an extract from the 15
10 April 1946 interrogation of the defendant MUTO,
11 to show his admission regarding the relation between
12 the Military Affairs Bureau and the Army General
13 Staff, his function as liaison between the War Ministry
14 and Navy Ministry and his intervention in the drafting
15 of the Imperial Rescript declaring war on the United
16 States.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 4108 will receive exhibit No. 2240.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 2240 and received in evidence.)

23 MR. LOPEZ: We read that document in its
24 entirety:

25 (Reading): "Page 11.

1 "Q. Is it not true that HOSHINO and OKA, as well
2 as yourself, supported the decision of the Liaison
3 Conference to wage war against the United States?

4 "A. You can call it that, although it wasn't
5 our position to decide one way or the other.

6 "Q. You did nothing on your part to avert the
7 decision to wage war, did you?

8 "A. I did not oppose it.

9 "Page 17

10 "Q. Isn't it true that the Military Affairs
11 Bureau is consulted by the Army General Staff for
12 its advice and also consultation in regard to the
13 necessary preparations to wage war?

14 "A. It may be put that way, but what actually
15 happens is that the General Staff says such and such
16 will be necessary and we advise them whether it can
17 be procured or not.

18 "Q. Who was the higher categorical authority
19 in the scheme of things in Japan, the Chief of the
20 General Staff or the War Minister himself?

21 "A. The Chief of the General Staff.

22 "Q. Is it not true that the General Staff always
23 acquainted the War Ministry with any operations in
24 order that the War Ministry could formulate a sound
25 policy?

1 "Page 18

2 "A. Yes.

3 "Q. And is it not also true that in order to
4 accomplish effectively a given mission, that the
5 Navy Ministry and the War Ministry establish a
6 Liaison in order to coordinate their efforts?

7 "A. Yes.

8 "Q. Was not OKA of the Navy Affairs Bureau and
9 you of the Military Affairs Bureau the Liaison between
10 the army and the navy?

11 "A. Yes.

12 "Questions by Mr. Lopez:

13 "Q. And precisely OKA and you were present all
14 the time in the Liaison Conference in order to avoid
15 any misunderstanding of action and to coordinate the
16 efforts of both the army and the navy, together with
17 the Minister of Finance, the Foreign Minister, the
18 Minister of State, and the Prime Minister himself?

19 "A. Yes.

20 "Q. And during your incumbency as Chief of
21 the Military Affairs Bureau, you were closely
22 associated with OKA by the very nature of both of
23 your offices--liaison between the Army and the Navy?
24

25 "A. Yes.

"Page 20.

1 "Q. You had a hand in preparing the declaration
2 of war?

3 "A. Yes.

4 "Q. As a matter of fact, you collaborated in
5 the preparation of that declaration of war with
6 Mr. TOGO and OKA?

7 "A. The Cabinet--that is to say, Minister TOGO
8 wrote one up and so did OKA, and I also prepared a
9 draft. The three of them were put together and the
10 final one was decided upon.

11 "Q. How many hours leeway did you give the
12 United States to answer the ultimatum before attacking?

13 "A. The time was decided upon by the Navy
14 General Staff. I do not recall what time limit
15 we gave the United States after the ultimatum?

16 "Q. You mean to say that the Cabinet gave the
17 General Staff that power?

18 "A. The Navy General Staff figured out when
19 their operations would take place and then notified
20 the Liaison Conference of the Minus H hour at which
21 the United States could be notified.

22 "Q. But the fact of the matter was that you,
23 Mr. TOGO and Mr. OKA collaborated in the drafting
24 of the final note?

25 "A. Yes, and the final dispatching of the

1 communication was left to the Foreign Office.

2 "Q. Let us get this straight for the sake of
3 posterity. You prepared your own draft; Mr. TOGO
4 also prepared his own draft; and Mr. OKA also prepared
5 his. After each one of you prepared an individual
6 draft, the three of you huddled together and drafted
7 the final draft, is that it?

8 "A. I am sorry. What I thought you meant by
9 declaration of war was the speech which the Emperor
10 gave. This was prepared by me and the others.
11 The actual ultimatum was drafted by the Foreign
12 Office.

13 "Q. You mean to say that the Imperial Rescript
14 was prepared by you and others?

15 "A. Yes. That was the thing that we drew up
16 and brought before the Liaison Conference where changes
17 were made and the final draft was settled upon.

18 "Page 21

19 "Q. When the document which you termed to be an
20 ultimatum to the United States, which you claim to
21 have been prepared only by the Foreign Minister, was
22 that document ever shown to the War Ministry or to
23 you for consultation as to whether it was agreeable
24 to your office?
25

"A. Yes.

1 "Q. Of course, it was agreeable to you before
2 it was sent, otherwise it would not have been sent?

3 "A. Yes.

4 "Q. You practically OK'd it?

5 "A. Yes.

6 "Q. Did you offer any suggestion, correction
7 on the draft as submitted to you by the Foreign
8 Ministry?

9 "A. I have no recollection.

10 "Q. But you recall that you approved it?

11 "A. Yes."

12 We offer in evidence IPS document No. 4109,
13 which is an extract from the 16 April 1946 interro-
14 gation of the defendant MUTO, to show his admission
15 that he agreed with all the policies of the defendant
16 TOJO when he was Premier of Japan, and his role in
17 helping draft the Imperial Rescript which declared
18 war against the United States.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 4109 will receive exhibit No. 2241.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 2241 and received in evidence.)

25 MR. LOPEZ: We read this document in its

1 entirety:

2 (Reading) "Page 1.

3 "Q. General, you agreed with TOJO on all his
4 policies since the time that TOJO became Premier
5 in October 1941 and up to the time you resigned as
6 Director of the Military Affairs Bureau, did you
7 not?

8 "A. The Cabinet was unanimous. I only recollect
9 matters up to April 1942. After this date I know
10 nothing because I was sent to the Front.

11 "Q. Then your answer is that you did agree
12 completely with TOJO?

13 "Page 2.

14 "A. Yes.

15 "Q. And that is particularly with reference to
16 the relations with the United States and Great Britain?

17 "A. Yes.

18 "Page 4.

19 "Q. Going back to the Imperial Rescript which
20 you said you had a hand in its preparation, can you
21 tell us who were the others who helped prepare the
22 Imperial Rescript declaring war against the United
23 States?

24 "A. OKA, HOSHINO and myself prepared the draft
25 of the Imperial Rescript to be handed to the Liaison

1 Conference for approval. This was altered considerably
2 by the Liaison Conference.

3 "Q. OKA, HOSHINO and yourself were the Committee
4 created to make the draft?

5 "A. Yes.

6 "Q. Admiral OKA represented the Navy, Mr.
7 HOSHINO represented the Liaison Conference, and
8 yourself represented the War Ministry?

9 "A. I remember that there was a representative
10 from the Foreign Office who also participated. I
11 think his name was YAMAMOTO.

12 "Q. But you represented the Army, Mr. OKA
13 represented the Navy, and Mr. HOSHINO as Chief
14 Secretary of the Liaison Conference represented the
15 Liaison Conference.

16 "Page 5.

17 "A. Yes.

18 "Q. The Committee of which you were a member
19 prepared a draft and submitted the draft to the
20 Liaison Conference.

21 "A. Yes, this was submitted to the Liaison
22 Conference.
23
24
25

1 MR. LOPEZ: We tender in evidence IPS
2 Document No. 2273, which is an extract from the
3 April 22, 1946, interrogation of the defendant MUTO,
4 to show his admission that he was the deputy chief
5 of staff of General MITSUI during the Rape of Nank-
6 ing and General YAMASHITA'S chief of staff during
7 the Rape of Manila, that he and other Japanese
8 officers had heard of a book printed in America
9 denouncing the Japanese armed forces for the Rape
10 of Nanking, that it was in 1915 in Siberia that
11 Japanese troops showed for the first time "tenden-
12 cies toward atrocity" involving "confiscation, or
13 rather, stealing, rape, robbery, and such.

14 THE PRESIDENT: You do not need such a
15 lengthy explanation of such a short document. You
16 have practically said everything that is in the docu-
17 ment.

18 MR. LOPEZ: Mr. President, the document
19 that I will read is quite lengthy, and if I ever
20 did it, it was to guide the Court.

21 THE PRESIDENT: Yes. Read it.

22 MR. LOPEZ: We read the document in its
23 entirety.

24 THE PRESIDENT: Admitted on the usual terms.
25

1 CLERK OF THE COURT: Prosecution's docu-
2 ment 2273 will receive exhibit No. 2242.

3 (Whereupon, the document above refer-
4 red to was marked prosecution's exhibit No.
5 2242 and received in evidence.)

6 MR. LOPEZ: We will read the document in
7 its entirety.

8 "Page 7:

9 "Q Your forces in Nanking were not being pressed
10 by the Chinese forces in any way -- so much so that
11 you were able to celebrate the taking over, is it
12 not?

13 "A Japanese troops waited outside the city
14 wall, and leaflets were dropped ordering the Chinese
15 to surrender. Such orders were not obeyed; there-
16 fore, the Japanese troops entered the city by force.

17 "Q How long did it take them to do it?

18 "A Two days, after the actual bombardment
19 commenced.

20 "Q Do you attribute it to coincidence the
21 fact that you were also the Deputy Chief of Staff
22 of General YAMASHITA when the rape of Manila hap-
23 pened?

24 "A In the case of Nanking, two or three bat-
25 talions were to enter the city. However, the whole

1 army entered within the walls, thereby resulting
2 in the rape of Nanking. In the case of Manila,
3 General YAMASHITA desired to avoid fighting within
4 the city. However, certain elements of the navy
5 and the army outside of General YAMASHITA's command
6 remained in the city, thereby forcing American
7 forces to attack the City of Manila.

8 "Q Is fighting in the City of Manila any
9 justification for raping of the women of Manila by
10 your soldiers?

11 "A Such is not justifiable.

12 "Q Is fighting in the City of Manila any
13 justification for your soldiers of killing thousands
14 of civilians by burning them with gasoline or by
15 shooting them with machine guns, including women and
16 small children?

17 "A Such is definitely not justifiable.

18 "Q Can you explain the behavior of those troops
19 in the light of education given by the army or by
20 the Government of Japan?

21 "A I regret that you ask such a question.
22 There is no army in the world or government in the
23 world that will instruct their people to shoot or
24 kill children or civilian population.
25

1 "Q Has it not troubled your conscience to find
2 that so many innocent women and children were either
3 killed or raped, either in China or the Philippines?

4 "A After the atrocities in Nanking and Manila,
5 and being a member of the General Staff at both
6 incidents, I felt that something was lacking in the
7 Japanese military education.

8 "Q What do you think is lacking in military
9 education?

10 "A The troops that committed the atrocities
11 in Nanking and Manila were men mobilized in a hurry,
12 and they were not trained properly in military
13 education.

14 "Q When did you come across that book written
15 by an American on the rape of Nanking?

16 "A I have not seen the book, but I merely
17 heard that such a book was printed in America.

18 "Q You were told about it in 1937 - 1938?

19 "A I believe it was in 1938.

20 "Q Were you not ashamed as a professional
21 soldier that such a state of things should find it-
22 self in a book indicting against your army?

23 "A I felt that it was a shame to the Japanese
24 troops.

25 "Q Did not the high ranking Japanese officers

1 discuss the matter and find out in what way you could
2 improve the situation so that similar incidents
3 would not be repeated in the future?

4 "A There were no formal gatherings just to
5 discuss such matters, but among the officers there
6 were individual discussions.

7 "Q Did you not feel at the time in 1938 that
8 there must be something wrong with the information
9 section of your army? Why was it that in the case
10 of Nanking you only knew about ten or twenty inci-
11 dents when the book mentioned written by the Ameri-
12 can, 'The Rape of Nanking', the whole civilian popu-
13 lation?

14 "A As I have stated before, I have only heard
15 of between ten to twenty incidents. How many inci-
16 dents were reported within the two armies I do not
17 know.

18 "Page 10:

19 "Q When you heard in 1938 about the book
20 mentioning about the rape of Nanking, did you not
21 discuss the matter informally with other officers
22 in a higher echelon?

23 "A There were no discussions.

24 "Q You mentioned about informal discussions
25 about atrocities committed in China. Of what did

those discussions consist?

1 "A There were no discussions concerning the
2 rape of Nanking in regards to the published book.
3 However, because the Japanese troops were misbehav-
4 ing, there were informal discussions.
5

6 "Q What remedies were suggested in those dis-
7 cussions?

8 "A During the China-Japanese and the Russo-
9 Japanese War such atrocious acts were not known among
10 the Japanese Army. It was about 1915 when Japanese
11 troops were sent to Siberia such tendencies toward
12 atrocity came into the limelight, thereby proving
13 that the quality and character of the Japanese is
14 slowly deteriorating. Therefore, education in
15 homes and schools must be changed to meet the situa-
16 tion. Such discussions were held informally.

17 "Q Many officers like you were worried about
18 such atrocities because it reflected adversely on
19 the honor and the prestige of the Japanese Imperial
20 Forces, is it not?

21 "A They were very much worried.

22 "Q You were worried yourself so that when the
23 book appeared you tried to investigate what you
24 could do in order to remedy the situation -- the
25 book on the rape of Nanking?

1 "A For a long time I had been associated with
2 the Inspector General Military Training Department,
3 and I was very much interested in the proper educa-
4 tion of the army.

5 "Q What reforms did you introduce in the train-
6 ing and education of the young men who were about to
7 go into the army so that those weaknesses which you
8 noticed to have cropped up after the Siberian ex-
9 pedition in 1915 could be corrected?

10 "A At the time when Japanese troops were sent
11 to Siberia, I was only a Second Lieutenant, so even
12 if I did notice that I couldn't do anything about
13 it.

14 "Q But when you had influence with the office
15 of the Adjutant General who was in charge of mili-
16 tary training, what did you do in order to strengthen
17 that weakness which you noticed way back in 1915?

18 "A Even after I became Lieutenant General I
19 could not do anything as I was not a divisional
20 commander. In order to put anything into force one
21 has to be a divisional commander.

22 "Q How about when you became Chief of the
23 Military Affairs Bureau?

24 "A The Chief of the Military Bureau is only
25 a staff under the Minister of War, and he has no

1 power to give out orders on such.

2 "Q If you were a divisional commander or if
3 you had been in charge of the training or education
4 in the schools, you would have given out orders to
5 the schools that that weakness which you noticed
6 since 1915 was strengthened and fortified?

7 "A Yes. (witness laughs)

8 "Q What happened in Siberia which started the
9 deterioration of the character of the Japanese
10 soldier?

11 "A Confiscation, or rather (tealing, rape,
12 robbery, and such."

13 MR. LOPEZ: We offer in evidence IPS Docu-
14 ment No. 2947 which is a news story entitled "MUTO
15 Flays Bureaucrats and Parties," published in "The
16 Japan Times & Mail" for March 21, 1940, on pages 1
17 and 2, to show the importance of the high office
18 occupied by defendant MUTO as Director of the
19 Military Affairs Bureau, and to --

20 THE PRESIDENT: Admitted on the usual
21 terms.

22 MR. LOPEZ (continuing): further show his
23 totalitarian views which included favoring dissolu-
24 tion of political parties and suggesting that national-
25

1 ism is a better name for totalitarianism of European
2 conception as guiding principle of the Japanese
3 nation.

4 CLERK OF THE COURT: Prosecution's docu-
5 ment No. 2947 will receive exhibit No. 2243.

6 (Whereupon, the document above refer-
7 red to was marked prosecution's exhibit No.
8 2243 and received in evidence.)

9 THE PRESIDENT: What is the delay due to?
10 Is there something wrong with the IBM?

11 MR. LOPEZ: We will read the first six
12 paragraphs from page 1 of this document:

13 "MUTO FLAYS BUREAUCRATS AND PARTIES.

14 "Ivers Army Wants Political Organizations
15 to Reconsider Attitudes.

16 "Tokyo, Wednesday, March 20, 1940.

17 "Major-General Akira MUTO, Director of the
18 Military Affairs Bureau of the War Office, Tuesday
19 afternoon expressed straightforwardly the opinion
20 of the Army favoring dissolution of political
21 parties if they seek to further their interests
22 alone under the current emergency.

23 "General MUTO'S declaration came in answer
24 to interpellations put to War Minister General
25 Shunroku HATA at a joint meeting of sub-committees

1 of the House of Representatives in charge of dis-
2 cussing settlement of accounts of State budget.

3 "Bunhei HAMACHI, Seiyukai KUHARA, Faction
4 M.P., put interpellations to War Minister HATA on
5 the following points:

6 "1. What does the Army think of the present
7 social system?

8 "a. Don't you think that the Army commits
9 itself to the field of politics and economy too much?

10 "3. Don't you think that the Army, bureau-
11 crats and political parties ought to proceed hand in
12 hand to accomplish the objective of the 'sacred war'?"

13 MR. LOPEZ: Also from page 2 of this docu-
14 ment we read paragraphs 4, 5, and 6, as follows:

15 "Referring to totalitarianism of European
16 conception, General MUTO said that 'nationalism'
17 is considered a better name for what is believed to
18 be the guiding principle of the Japanese nation.

19 "In this connection, General MUTO quoted
20 the speech delivered by General Juichi TERAUCHI
21 before the Diet when he was War Minister that ours
22 should be totalitarianism completely nationalist
23 in principle and faith.

24 "If the whole nation carried everything
25 before the State,' General MUTO further said, 'the

1 full power of the State will be displayed.' "

2 MR. LOPEZ: If your Honor please, we offer
3 as our next witness Shinichi TANAKA.

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1 S H I N I C H I T A N A K A, a witness called by
2 the prosecution, being first duly sworn, testi-
3 fied through Japanese interpreters as follows:

D I R E C T E X A M I N A T I O N

B Y M R . L O P E Z :

4
5
6 Q Will you kindly give us your full name,
7 age, and address, and occupation if any?

8 A TANAKA, Shinichi, age 54, No. 2040 Tsuizawa-
9 mura, Miye County, Miye Prefecture. Address 2042.

10 Q I show you IPS document No. 2925 entitled
11 Affidavit. Will you kindly tell us if you have read
12 its contents?

13 A I have read it.

14 Q Are the facts recited in that affidavit true
15 and correct?

16 A Yes.

17 Q Did you make that affidavit voluntarily with-
18 out any compulsion, intimidation, or any pressure brought
19 to bear on you?

20 A Yes, you are correct.

21 M R . L O P E Z : At this juncture, Mr. President,
22 we offer in evidence IPS document No. 2925 identified
23 by the witness Sinichi TANAKA as his affidavit.

24 T H E P R E S I D E N T : Admitted on the usual terms.

25 C L E R K O F T H E C O U R T : Prosecution's document

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1 2925 will receive exhibit No. 2244.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 2244 and received in evidence.

5 MR. LOPEZ: We will read the affidavit in
6 its entirety:

7 "I, Shinichi TANAKA, make oath and say as
8 follows:

9 "Q Were you once Chief of the First Section
10 (Operations) of the General Staff of the Japanese
11 Imperial Army?

12 "A Yes, I was such from October 12, 1940 to
13 December, 1942.

14 "Q What was your rank when you assumed office
15 for the first time?

16 "A I was Major General but was promoted to
17 Lieutenant General in October, 1941.

18 "Q Do you know the defendant Akira MUTO?

19 "A Yes. When I was Chief of the First Section
20 (Operations) under General SUGIYAMA, General MUTO
21 was Chief of the Military Affairs Bureau. He was one
22 of the liaison men who did most of the work between
23 the War Ministry and the Army General Staff.

24 "Q As liaison man what was the nature of his
25 work?

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1 "A At the General Staff office the work was
2 mostly paper work concerning mobilization, organiza-
3 tion, operations, strategy and tactics. The Army
4 General Staff has nothing to do with matters involv-
5 ing politics, foreign relations and finance.

6 "Q In the decision to undertake operations on
7 Indo-China in 1941, what had the War Ministry to do
8 with that decision?

9 "A In matters like that, military policies go
10 to the General Staff from the War Ministry, but it does
11 not mean that the War Ministry makes the decision.
12 First of all the Prime Minister, the Foreign Minister,
13 the Minister of War, the Minister of Navy and the Chief
14 of the Army General Staff and the Chief of the Navy
15 General Staff, hold a preliminary meeting and arrive
16 at a decision of national policies. The decision of
17 the Cabinet is handed down to the War Ministry which
18 in turn contacts the General Staff on matters which
19 concern the General Staff such as military operations.

20 "Q Who is sent down to the Army General Staff
21 from the War Ministry in order to convey the policy
22 laid down or the decision made?

23 "A In such important matters as the national
24 policy regarding Indo-China, the War Minister would
25 go directly to the Chief of Staff, but in minor

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1 details the War Minister approaches the Chief of the
2 Military Affairs Bureau and he in turn will make
3 connections with the General Staff.

4 "Q Who would follow up the order or the decision
5 arrived at at the conference which is handed down to
6 the War Minister and which is passed on to the General
7 Staff?

8 "A The Chief of the General Staff will carry out
9 that part of national policy as far as operations are
10 concerned. The Chief of General Staff integrates the
11 national policy into operations and strategy.

12 "Q In what way does he carry out the order?

13 "A The Chief of the General Staff had been al-
14 ready included in the preliminary meeting so he knows
15 in general the over-all policies and operations. For
16 this reason, it is easier for him to integrate the
17 policies into the operations. After he comes back to
18 the General Staff office, he calls in the Vice Chief
19 of Staff and the four main assistants and he requests
20 the various assistants, after revealing his plans and
21 policies, to bring in various details to conform to his
22 plans. After such materials are gathered the Chief of
23 General Staff gives out the order for the actual
24 carrying out of the operation.

25 "Q Your section is in charge of operations and

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1 strategy?

2 "A Yes.

3 "Q As the Chief of the General Staff attends
4 the conference that makes the decision why is the need
5 for the War Minister to go over to the Chief of Staff
6 and hand him the orders?

7 "A The decisions arrived at the preliminary
8 meetings must be approved by the Cabinet in order to
9 make them legal and binding. Since the Chief of
10 General Staff does not know the decision of the Cabinet,
11 the War Minister contacts the Chief of General Staff.

12 "Q Once you have prepared the plans for opera-
13 tion, to whom do you submit them?

14 "A After the operational plans are completed,
15 they are presented to the Vice Chief of Staff. He
16 makes the necessary corrections and in turn delivers
17 them to the Chief of the General Staff.

18 "Q Once it is received by him, what does the
19 Chief of the General Staff do about it?

20 "A He makes the necessary corrections and
21 important matters are discussed with the War Minister.
22 It is shown to the War Ministry and if approved the
23 Chief of the General Staff will give out the orders
24 and if they are important orders, they are first shown
25 to the War Minister, who will sign it if he approves.

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1 "Q Following the Imperial Conference of 2 July
2 1941, do you recall if you were directed by General
3 SUGIYAMA to make operational study on a campaign
4 against Malaya, Java, Borneo, Bismarck, Dutch East
5 Indies and Philippines?

6 "A Yes.

7 "Q Following the Imperial Conference of 6
8 September 1941 do you remember if you were directed
9 by General SUGIYAMA to begin preparations for opera-
10 tions against those countries?

11 "A Yes, I was ordered to do so following the
12 Imperial Conference which was attended by KONOYE, TOJO,
13 OIKAWA, SUGIYAMA, TOYODA and NAGANO.

14 "Q Can you tell us if Generals TOJO, KIMURA and
15 MUTO had knowledge of these instructions by General
16 SUGIYAMA to you in September 1941?

17 "A Yes, for by the very nature of the rules and
18 practices governing the relationship between the War
19 Ministry, and the General Staff at the time, Generals
20 TOJO, KIMURA and MUTO had to know and did know of
21 those instructions. As I stated before, the paper work
22 for the preparation of the operation is done by the
23 General Staff, however, the actual preparation such
24 as supply and strength, etc., was carried on by the
25 War Ministry. Since General MUTO was Chief of the

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1 Military Affairs Bureau of the War Ministry explan-
 2 ations for the preparation of the operation had to
 3 be made to him by the General Staff. He was well
 4 informed, especially on supply and money matters.

5 "Q Was it the duty of the General Staff to alert
 6 the field commanders about the imminence of hostil-
 7 ities?

8 "A If necessary, the field commanders were
 9 alerted by the General Staff. It wasn't the duty of
 10 my Section, it was more the duty of the Intelligence
 11 Section.

12 "Q Following the Imperial Conference on 1 December
 13 1941 were you directed on the next day by General
 14 SUGIYAMA to draft an alert order to all commanding
 15 generals of troops in the South Seas Areas that war
 16 with the United States, England and Holland was
 17 imminent and warning them that hostilities should
 18 commence on X-Day?

19 "A I was directed by General SUGIYAMA to write
 20 the order to the field commanders in the South Seas
 21 so that in case war should break out they would be
 22 ready. Actually, SUGIYAMA issued the order because
 23 his signature was necessary to make the order valid
 24 and effective; but before the order could be wired
 25 to the various commanders in the South Pacific it also

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1 had to have the signature of approval of Generals
2 TOJO, KIMURA and MUTO in their respective capacities
3 as War Minister, Vice Minister of War and Chief of
4 the Military Affairs Bureau. It was the customary
5 rule in our office to obtain the signatures of the
6 War Minister, the Vice War Minister and the Chief
7 of the Military Affairs on those important orders
8 before they could be sent out.

9 "Q When were you so directed?

10 "A I am not sure, though I think it was
11 December 2nd or 1st when I was directed by General
12 SUGIYAMA to write and issue the order in his name.

13 "Q Was the alert order sent by wire to the
14 commanding generals of all troops of the South Seas
15 areas?

16 "A Yes, they were sent that day after it had
17 been signed by General SUGIYAMA.

18 "Q Did General SUGIYAMA tell you what day was
19 X-Day?

20 "A Yes, about 27th or 28th November 1941 he told
21 me that X-DAY would be December 8, 1941."

22 That is all for the witness.

23 THE PRESIDENT: We will recess for fifteen
24 minutes.

25 (Whereupon, at 1045, a recess was

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taken until 1100, after which the proceedings
were resumed as follows:)

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

3 THE PRESIDENT: Mr. Lopez.

4 MR. LOPEZ: If the Tribunal please, at the
5 suggestion of the Clerk of the Court and before the
6 defense will proceed on its cross-examination of my
7 witness, Shinichi TANAKA, I beg leave to offer to be
8 marked for identification only the whole interrogation
9 of the defendant MUTO, of April 1946, from which exhibit
10 2239 was extracted from.

11 We also offer for identification only the
12 whole interrogation of the defendant MUTO, of 15 April
13 1946, from which exhibit 2240 was extracted from.

14 We likewise offer for identification only,
15 the whole interrogation of defendant MUTO, of 16 April
16 1946, from which exhibit 2241 was extracted from.

17 And further offer for identification only
18 the whole interrogation of the defendant MUTO, of
19 22 April 1946, from which exhibit 2242 was extracted from.

20 THE PRESIDENT: You told us at the time, Mr.
21 Lopez, you were tendering the whole of the interrogation
22 in each case, although your document did not indicate it.

23 The document tendered for identification will
24 have the same number in each case as the excerpt. The
25 excerpt in each case will be renumbered as now, plus

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1 the letter "A".

2 CLERK OF THE COURT: The record then will
3 show as corrected prosecution document No. 4108 will
4 receive exhibit No. 2240 for identification only and the
5 excerpt therefrom, bearing the same document number,
6 will receive exhibit No. 2240-A.

7 Prosecution's document No. 4109 will receive
8 exhibit No. 2241 for identification only and the excerpt
9 therefrom, bearing the same document number, will receive
10 exhibit No. 2241-A.

11 Document No. 2273 will receive exhibit No.
12 2242 for identification only and the excerpt therefrom,
13 bearing the same document number will be exhibit No.
14 2242-A.

15 Document No. 2947 will receive exhibit No.
16 2243 for identification only and the excerpt therefrom,
17 the same document number, will receive exhibit No. 2243-A.

18 Document No. 2925 will receive exhibit No.
19 2244.

20
21 (Whereupon, the documents above
22 referred to were marked prosecution's ex-
23 hibit Nos. 2240 to 2243 for identification;
24 the excerpts therefrom being marked pros-
25 ecution's exhibit Nos. 2240-A to 2243-A
and received in evidence. Document No.

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1 2925 was marked prosecution's ex-
2 hibit No. 2244 and received in evidence.)

3 MR. LOPEZ: If your Honor please, our
4 witness is ready for any cross-examination.

5 THE PRESIDENT: Counsel OKAMOTO.

6 CROSS-EXAMINATION

7 BY MR. S. OKAMOTO:

8 Q In your affidavit, page one, answer to the
9 fifth question, you state that first of all the Prime
10 Minister, the Foreign Minister, the Minister of War,
11 the Minister of Navy and the Chief of the Army General
12 Staff and the Chief of the Navy General Staff called
13 a preliminary meeting. This sounds to be a new name
14 to me. Does it mean the liaison conference?

15 A It is a preliminary conference and is not a --
16 "preliminary" used as an adjective and this is not a
17 proper noun and it is a liaison conference.

18 THE INTERPRETER: I will repeat that. "This
19 merely denotes a preliminary conference with the word
20 'preliminary' used as an adjective and is not a proper
21 noun and it is a liaison conference."

22 Q Is the liaison conference not a preliminary
23 conference and is an independent conference?

24 A Liaison conference as I see it in order to
25 make it legal and to empower it must, first of all,

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1 require the meeting of the Cabinet.

2 Q But, in fact, are there any precedents or
3 examples of decisions reached at the liaison conference
4 being modified by Cabinet conferences?

5 A That, I do not know.

6 Q Then I shall change the subject.

7 Concerning the 12th question and answer of
8 your affidavit, in page two of the English affidavit --
9 fifth question and answer on page two of the affidavit.
10 By what you have stated here, do you mean that the power
11 to decide operational plans rests in the hands of the
12 Chief of the General Staff; is that what you mean?

13 THE INTERPRETER: The witness' answer: "That
14 is correct."
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1 Q But is it not a fact that the power of
2 decision which the Chief of General Staff is alleged
3 to possess is the prerogative of command, a secret
4 prerogative of command, which cannot be violated by
5 anyone and which must be respected and cannot be
6 violated by anyone? That is the custom in Japan, is
7 it not?

8 THE MONITOR: Just a minute, correction:
9 Will you strike out "secret" from the -- "secret"
10 prerogative.

11 MR. LOPEZ: Objection, your Honor, because
12 the question is very vague and not clear. I wish it
13 reworded and reformed.

14 THE PRESIDENT: The test is whether the
15 witness understands it. Do you understand the question,
16 Witness?

17 THE WITNESS: Yes, that question was rather
18 vague and abstract. If put to me more concretely I
19 may be able to answer more precisely.

20 MR. S. OKAMOTO: Then I shall try to put the
21 question in a concrete form.

22 Q Could the War Minister interfere with decisions
23 made by the Chief of General Staff; could he? What I
24 am trying to ask you is whether the highest power of
25 decision rested with the Chief of General Staff?

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1 A A nation's operational plan is based upon
2 that nation's national policy; however, the War
3 Minister is in charge of national defense policy and
4 the outline of that national defense also is under
5 the charge of the War Ministry. The matter over
6 which the Chief of the General Staff has charge is
7 national defense and operations. An operational
8 plan is completed only when a nation's national
9 policy and its national defense policy -- and its
10 national defense operations -- are coordinated and
11 integrated, so both in theory as well as in fact
12 there cannot be any operational plan which is
13 separated from national policy and national defense.

14 Q I understand that point already, therefore
15 I am asking you definitely about the employment of
16 armed forces and operations for national defense.

17 A If that is your premise, then if a nation
18 is to set up or formulate an operations plan it must
19 also take into consideration diplomatic policy which
20 is related to that matter, and also to formulate an
21 operations plan it is necessary to build up its
22 military manpower strength, the mobilization of its
23 military personnel, as well as preparations in matters
24 pertaining to materiel, equipment, and so forth;
25 thus materiel, personnel and budget necessary for

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1 operations is in charge of the War Ministry, and if
2 I should add still further, it should be under the
3 charge of the cabinet or the government itself.

4 Therefore, an operations plan is built up or formulated
5 on the basis of the equipment and materiel, personnel
6 and money available and within the limits of the --
7 or within the scope of such materials available. The
8 Chief of the General Staff formulates the operations
9 plans and decides upon it.

10 Q What you have stated generally coincides
11 with the knowledge that we generally have. Mr.
12 Witness, you are trying to answer all at once all
13 of the questions I am trying to put to you. Then I
14 shall put the questions separately to you.

15 Has the Chief of General Staff the right to
16 decide, to make decisions concerning operational plans
17 inasmuch as operational plan is drawn up in parts
18 with each part in charge of separate groups; however,
19 the highest decision that is rendered is by the Chief
20 of Staff, is that not so, as far as operational plans
21 are concerned?

22 MR. LOPEZ: Objection, your Honor, because
23 it is a long-winded question and it involves so many
24 extremes. I wish the question reported more simply,
25 one by one. There are several subject matters there.

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1 MR. S. OKAMOTO: Although the answer was
2 quite involved, complicated, my question was simple.
3 I asked him only one thing.

4 THE PRESIDENT: I think counsel suggested
5 that the witness was anticipating him, giving him
6 answers which might be the subject of further questions.
7 I can see no fault of counsel at all in this matter.
8 Proceed to ask your questions.

9 Q Please answer one by one to my questions
10 without any fear and if you find yourself to be in
11 error, please correct it. Please answer.

12 What I was trying to ask you was whether
13 it was the charge of the Chief of General Staff --
14 matters concerning employment of military force and
15 operations were matters under the charge of the
16 Chief of the General Staff?

17 A Yes, that is correct.

18 Q In your answer to the 12th question in your
19 affidavit you state that "he makes the necessary
20 corrections concerning operational plans and important
21 matters are discussed with the War Minister."

22 THE MONITOR: Just a moment, instead of "he,"
23 the "Chief of Army General Staff."

24 Q (Continuing) May I take this to mean in
25 this fashion: Concerning important matters, after

TANAKA S.

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1 decisions have been reached by -- decision has been
2 made by the Chief of General Staff, explanation is
3 made to the War Minister and his understanding is
4 sought?

5 A No, that is not so.
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1 Q What I am asking is not about the materiel
2 and personnel but the operations plans, that is to
3 say, the plans drawn up by the Chief of the Army
4 General Staff. I presume that confirmation is a
5 matter of consultation between the two parties.
6 Now, are you speaking about the plans itself, that
7 is, operations plan itself? My interpretation is
8 you are not.

9 A I think I know where the mixup lies. In
10 an operations plan men and materiel are all included.
11 They are important fundamental elements for the
12 making of an operations plan -- how much ammunition
13 should be made, or what kind of fighting strength
14 should be built up. These matters are all included
15 in the operations plan. And, therefore I find that
16 with respect to the important items in the operations
17 plan, such as men and materiel, the Chief of the
18 General Staff discusses the matter with the War
19 Minister.

20 Q Then I understand you better now. What you
21 state in your affidavit about discussions, consulta-
22 tions, and approval means consultation and approval
23 pertaining to matters relating to men and materiel.
24 So that means confirmation of those things, doesn't
25 it?

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CROSS

1 A Actually those are the principal matters,
2 and, as I have said before, it was a very intimate
3 relationship with general policy itself.

4 Q I think I understand you generally. Then I
5 shall turn to another point; then I will turn to my
6 next question. It is about the thirteenth question
7 and answer in your affidavit on page 2, English text.
8 There you find the question:

9 "Following the Imperial Conference of
10 2 July 1941, do you recall if you were directed by
11 General SUGIYAMA to make operational study on a
12 campaign against Malaya, Java, Borneo, Bismark,
13 Dutch East Indies and Philippines?"

14 To that question you answered, "Yes."

15 A Yes, I remember being directed.

16 Q Were these plans made at one time or were
17 orders received on several occasions and plans made
18 on several occasions?

19 A I am not referring to a plan. I was
20 ordered to make a study.

21 Q That was my mistake. The word "study"
22 appears here. Well, the order to conduct the study,
23 were these orders given on several occasions?

24 A Yes, I think they were given separately,
25 on different occasions.

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1 THE PRESIDENT: Over what period?

2 MR. S. OKAMOTO: That will be in my next
3 question, your Honor.

4 Q When were they made, the whole thing, whole
5 study?

6 A Yes, the study was started about that time,
7 but was not completed until about the first part
8 of December.

9 Q Then with respect to the next question,
10 that is, the question and answer No. 14 on page 2
11 of the English affidavit. There you find the
12 question:

13 "Following the Imperial Conference of
14 6 September 1941 do you remember if you were directed
15 by General SUGIYAMA to begin preparations for
16 operations against those countries?"

17 And you answered affirmatively to that
18 question.

19 Did you hear in those days, at that time,
20 from General SUGIYAMA, Chief of Staff, that although
21 efforts were mainly concentrated on diplomatic nego-
22 tiations we were making preparations to cope with
23 an eventuality?

24 THE MONITOR: Possible exigency.

25 A Yes, I have heard that definitely.

TANAKA, S.

CROSS

1 Q Then your answer to the effect that you
2 remember that at the Imperial Conference you answered
3 "Yes, I was ordered to do so following the Imperial
4 Conference which was attended by KONOYE, TOJO,
5 OIKAWA, SUGIYAMA, TOYODA and NAGANO," did the Chief
6 of General Staff explain that to you? Was the im-
7 port of this Imperial Conference explained to you
8 by the Chief of General Staff?

9 A I was not able to get your question clearly.
10 Do you mean what he explained to me about?

11 Q What I am asking you is whether the Chief
12 of General Staff also talked to you in line with the
13 decision read at the Imperial Conference?

14 A Yes, that is correct.

15 THE MONITOR: Correction in a question that
16 was asked two or three back: "That diplomatic
17 negotiations, efforts, should be primarily devoted to
18 diplomatic negotiations, and that military or
19 operational plans should be made only in case of
20 a possible contingency.
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TANAKA, S.

CROSS

1 Q Then turning to question and answer No.
2 17, second question and answer in page 3 of English
3 affidavit. There you find words -- telegrams to
4 commanding generals of troops in the field. Why
5 was this communicated to the War Minister -- were
6 they communicated to the War Minister and his
7 subordinates?

8 A What telegram are you referring to, Mr.
9 Counsel? I don't know. I don't quite understand.

10 Q Then I shall read your answer: "I was
11 directed by General SUGAYAMA to write the order to
12 the field commanders in the South Seas, so that in
13 case war should break out they would be ready."

14 A That is based upon regulation and custom
15 and it is impossible to conceive that such an im-
16 portant matter like this is not reported or let
17 known by the War Office.

18 Q May I take it to mean that the War Minister
19 was notified?

20 A No. It is stated as written there.

21 Q Were there any regulations concerning that
22 matter?

23 A Yes.

24 Q Do you mean to say that there is a regula-
25 tion which stipulates that approval should be

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CROSS

1 obtained from the War Minister and his subordinates?

2 A Yes.

3 Q Does that mean that because they are the
4 matters relating to diplomatic affairs, relations
5 and military administration and not because they
6 are matters relating to operations and employment
7 of military force?

8 A Of course, because it applies, or it
9 relates to military administration, but at the same
10 time it relates to the national defense policy, in
11 the very large sense.

12 Q Although it may be needless to say the power
13 of decision rests with the Chief of General Staff,
14 doesn't it; that is, the power of command with
15 respect to sending communication to commanding
16 generals in the field?

17 A Yes. Power to issue orders, is that it?

18 Q Yes.

19 A As a matter of fact, there is no case in
20 which any order is issued on which the approval or
21 agreement of the War Minister has been obtained.

22 THE MONITOR: Has not been obtained.

23 Q I am not asking about the agreement or
24 the consent; I am asking about the right to issue
25 orders, authority to issue orders.

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1 A The authority to issue orders with respect
2 to questions relating to operations resides in the
3 Chief of Staff.

4 Q Then passing over to the 20th question in
5 your affidavit, page 3 of the English affidavit.
6 There, answering the question, you say that you were
7 told by General SUGAYAMA of his determination to
8 start a war. At that time, Mr. Witness, did the
9 Chief of the General Staff tell you that although a
10 decision for war had been made, inasmuch as the
11 Japanese negotiations were being continued that if
12 a settlement, a successful settlement, were reached
13 as a result of those negotiations, the operational
14 force will be abandoned? Did he give you any such
15 order?

16 A Yes, I received such a statement from the
17 Chief of Staff. There is something further that is
18 related to that if I may speak of it.

19 Q Please speak of it.
20

21 A I think it was shortly after Chief of the
22 General Staff SUGAYAMA issued that order that the
23 Chief of the Personnel Bureau of the War Office came
24 to see me. "The order has been issued," he said,
25 "but if the diplomatic negotiations then under way
should reach a successful culmination, then the

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1 Japanese forces sent out to the South Seas areas
2 will have to be brought back; that is, they will
3 have to be returned," and he asked me, "Will it be
4 possible to return these forces peacefully?" And
5 the purpose of the mission, the purpose of the
6 visit made to me by the Chief of the Personnel
7 Bureau of the War Office, was that the War Minister
8 had said that if the negotiations should reach a
9 successful culmination the forces will be returned,
10 "and so you go on to see the Chief of the First
11 Division, of the first department of the General
12 Staff Office and discuss the matter ~~whether~~ these
13 soldiers can be brought home peacefully." Thereupon,
14 I said that that is not a very simple question,
15 however there would be nothing better than a suc-
16 cessful culmination of the Japanese-American negotia-
17 tions, and assured my visitor that the General Staff
18 Office will take full responsibility as to the re-
19 turning of the forces from the front line.

20 Q Who was the Chief of the Personnel Bureau
21 at that time?

22 A Lieut. General TOMINAGA, Kioji.

23 THE PRESIDENT: A colleague has asked me
24 to put the following question. Answer this, witness:
25 If the War Ministry refused to provide materiel, men

TANAKA, S.

CROSS

1 or other things required by the Chief of the General
2 Staff, what happens?

3 THE WITNESS: If refused, the operational
4 plans as conceived by the General Staff could not
5 be formulated, but it would have to as a matter of
6 course formulate an operations plan within the limi-
7 tation of the men and materiels provided them or
8 provided the General Staff by the War Ministry.

9 THE MONITOR: Instead of "provided,"
10 "guarantee," by the War Ministry.

11 THE PRESIDENT: We will recess until half
12 past one.

13 (Whereupon, at 1200, a recess was
14 taken until 1330, after which the proceedings
15 were resumed as follows):
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AFTERNOON SESSION

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

5 MR. HIGGINS: Mr. President.

6 THE PRESIDENT: Mr. Higgins.

7 MR. HIGGINS: It is with deep regret
8 that I announce to the Tribunal the death of Mr.
9 Worth McKinney, our staff associate from the United
10 States. The end came suddenly as a result of a
11 heart attack at eleven o'clock today, while he was
12 at his post of duty.

13 THE PRESIDENT: We greatly regret to
14 hear of the sudden death of an esteemed member of
15 the American bar and member of the prosecution.
16 Our sympathy goes out to his sorrowing widow.

17 - - - -

18 S H I N I C H I T A N A K A, called as a witness
19 on behalf of the prosecution, resumed the
20 stand and testified through Japanese inter-
21 preters as follows:

CROSS-EXAMINATION

22
23 BY MR. S. OKAMOTO (Continued):

24 THE PRESIDENT: Mr. OKAMOTO.

25 Q Now, referring to the fifth question and

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CROSS

1 answer in your affidavit, page 1, in the English
2 text:

3 "Q In the decision to undertake operations
4 on Indo-China in 1941, what had the War Ministry
5 to do with that decision?"

6 I don't think you are referring to operations
7 by your answer. You simply mean dispatch or
8 advance, dispatch of troops, advance into Indo-
9 China, by your answer, do you not?

10 A By operations I mean combat, the forward
11 advance of troops and stationing of troops, and
12 therefore when I say advance I also include that
13 to be within the meaning of operations. That is
14 our definition of "operations."

15 THE MONITOR: Slight explanation: The
16 word "advance" as used by the witness, is "shinchu,"
17 and means advance and occupy or advance into and
18 station.

19 Q Changing the subject: The question comes
20 from the question and answer number 17 in your
21 affidavit. In answering the question there you
22 stated that for certain kinds of orders signature
23 of the War Minister is necessary.

24 A Where is that, Mr. Counsel?

25 Q That is where you are speaking about

TANAKA, S.

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telegrams.

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A What did you say?

Q Then I shall read it. Then I read it:

"Q Following the Imperial Conference on 1 December 1941 were you directed on the next day by General SUGIYAMA to draft an alert order to all commanding generals of troops in the South Seas areas that war with the United States, England and Holland was imminent and warning them that hostilities should commence on X-Day?"

I believe that only the War Minister, the War Minister alone makes decisions -- the Minister alone makes decisions in the War Ministry and then it is not necessary for the Vice-Minister of War or for chiefs of bureaus of the Ministry to make the decisions. However, if they sign those decisions it is not only for the purpose of accelerating the carrying out of those decisions?

THE PRESIDENT: Your questions are objectionable. They purport to contain statements of fact which may or may not be fact. The simple question you put at the end of your statement did not warrant that lengthy introduction including the question itself.

INTERPRETER: The witness' reply was: As

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1 you say.

2 MR. S. OKAMOTO: How shall I do it?

3 Shall I repeat the last question again?

4 THE PRESIDENT: No. We have an answer to
5 the question but I do object to the time of the
6 Court being wasted on questions of unnecessary
7 length.

8 MR. S. OKAMOTO: I understand.

9 Q Then I shall ask you a question about MUTO.
10 When you made requests to the War Ministry on the
11 orders -- Ministry for matters necessary for the
12 General Staff on the order of the Chief of the
13 General Staff -- did MUTO, the Chief of the Military
14 Affairs Bureau of the War Ministry, negotiate with
15 you upon the orders of the War Minister TOJO?

16 A Yes, as you say.

17 Q In those days did not MUTO remain strictly
18 within the bounds of his duties and never went
19 beyond them?

20 A As far as I know, I think he carried out
21 his duty within limits strictly -- within strict
22 limits.

23 Q In other words, he obeyed strictly the
24 instructions and intentions of the Minister himself?

25 THE MONITOR: Obeyed and respected.

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CROSS

1 A Yes, I think he respected to the point
2 where I used to feel that it certainly is something
3 to be able to respect to the degree that he did.

4 C Was he not a man of common sense, and was
5 he not a man who would always abide by the law,
6 who would implicitly abide by the law?

7 A Well, I don't understand your question
8 too well, but MUTO generally was a man rich in
9 common sense, very realistic and very conservative --
10 and somewhat conservative.

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1 Q Are you aware of the fact that in those
2 days MUTO's opinion was specially favored and adopted
3 by TOJO?

4 A I don't know very much about that.

5 Q Then, are you aware of this, that plans made
6 by MUTO were rejected very often by the Minister?

7 A That does not apply only to MUTO but to many
8 others whose plans have been rejected by General TOJO.

9 Q I am asking you particularly of the case of
10 MUTO.

11 A I don't have any example, concrete example,
12 here but I am quite sure that such situation existed.

13 Q Then, have there not been any documents --
14 cases of any documents of either General Staff or of
15 the War Ministry which had already been signed by
16 MUTO and after MUTO's signature had been affixed, been
17 rejected by TOJO?

18 A Yes, there are cases such as that.

19 THE PRESIDENT: The relevance of this is not
20 clear.

21 MR. LOPEZ: I object to this type of question
22 because it is beyond the scope of the cross-examination.

23 THE PRESIDENT: You must observe the red
24 light, Mr. Lopez.

25 MR. S. OKAMOTO: I should like to ask your

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CROSS

1 opinion, Mr. President. I failed to hear, Mr. President,
2 your last remark.

3 THE PRESIDENT: My remark was that your
4 question was hardly relevant. The objection was that
5 it was beyond the scope of the affidavit of the
6 witness and his examination in chief.

7 The objection is upheld.

8 MR. S. OKAMOTO: Then I will ask another
9 question.

10 Q Now, Mr. Witness, in cases where agreement
11 of views was not reached between you and MUTO, the
12 Chief of the Military Affairs Bureau, is the matter
13 then brought for consultation between the Vice-Chief
14 of Staff and the Vice-Minister of War?

15 A Yes.

16 Q Then, in cases where no solution is reached
17 even between the Vice-Chief of General Staff and the
18 Vice-War Minister, is the matter brought up to Chief
19 of Staff and War Minister himself?

20 A Yes.

21 Q Does that mean that the bureau chief had no
22 power or authority to make decisions?

23 A A bureau chief had no power of decision on
24 any matter of importance.

25 MR. S. OKAMOTO: That is all.

1 MR. LOGAN: No further cross-examination,
2 your Honor.

3 THE PRESIDENT: Mr. Lopez.

4 MR. LOPEZ: We have no redirect examination
5 of the witness, your Honor.

6 THE PRESIDENT: The witness is excused on
7 the usual terms.

8 (Whereupon, the witness was excused.)

9 MR. LOPEZ: We offer in evidence IPS document
10 No. 1793-A, which is a Japanese Military Secret Order
11 No. 2190 issued 28 July 1942 by Vice-Minister of War,
12 Heitaro KIMURA, to show the defendant KIMURA's con-
13 nection and responsibility in so far as the execution
14 of the Doolittle fliers was concerned.

15 MR. SHIOHARA: Counsel SHIOHARA.

16 I should like to call the attention of the
17 Tribunal to this present document.

18 On the 8th of January, Associate Prosecutor
19 Woolworth said that he would omit tendering as
20 evidence document 1793-A because it was identical
21 and the same as exhibit 1992 and, therefore, there
22 is no need to tender that document here.

23 With respect, Mr. President, to exhibit 1992,
24 may I say that because there were very serious trans-
25 lation mistakes, the matter was referred to the Language

1 Arbitration Board and that the words "By order you are
2 notified" was added, and in the place of "capital
3 crime" the word "major criminal" -- "capital criminal,"
4 the words "major criminal" were inserted. However,
5 since these mistakes have not been corrected or recti-
6 fied in the copies now tendered, I feel that it is
7 very unfair to the accused and prejudicial to the
8 accused.

9 I wish to say one more, sir, and that is the
10 Japanese words "Gunitsu Koiji" is rendered as "Military
11 Discipline Council," and since this is a very
12 unclear rendition of that term, I wish that this matter
13 would be considered for correction.

14 MR. LOPEZ: If your Honor please, those facts
15 have escaped us, and we have no doubt that counsel
16 for the defense must have the facts right, and for
17 that reason I refrain from further offering in evidence
18 the document that we intended to offer.

19 THE PRESIDENT: Objection upheld.

20 MR. LOPEZ: We offer in evidence IPS document
21 No. 16-A, which is a memorandum of transmittal of the
22 report of the investigation of the Doolittle fliers,
23 sent by Military Police Commander NAKAMURA, Akito,
24 to Chief of Staff, General SUGIYAMA, dated 26 May 1942,
25 copy of which was forwarded to the Minister of War,

1 Vice-Minister of War, Chief of the Military Affairs
2 Bureau, and others.

3 This evidence shows that the defendant KIMURA,
4 who was then Vice-Minister of War, was constantly posted
5 with the fate of the Doolittle fliers.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLEK OF THE COURT: Prosecution's document
8 No. 16-A will receive exhibit No. 2245.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 2245 and received in evidence.)

12 MR. LOPEZ: We will read the document in its
13 entirety.

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1 MR. LOPEZ: (Reading) "NOTE: Translation
2 requested by Legal Section.

3 "Military Police Report No. 352

4 "Report on the Matter Concerning the Investi-
5 gation of the American Airmen Who Raided the Japanese
6 Homeland.

7 "FROM: Military Police Commander NAKAMURA,
8 Akito

9 "TO: Chief of General Staff SUGIYAMA, Gen.

10 "26 May 1942.

11 "Attached is the report of the investigation
12 of the eight officers and men of the American planes
13 who took part in the raid on JAPAN proper on 18 April
14 and were forced down at NANCHANG and NING PO in
15 CENTRAL CHINA.

16 "FORWARD TO: Minister of War, Vice-Minister
17 of War, Chief of the Bureau of Naval Affairs, Chief
18 of Military Affairs Bureau, Chief of Home Defence. (3).

19 "Chief of General Staff, Vice-Chief of
20 General Staff, Chief of 1st (Administration) Section,
21 Chief of 2nd (Intelligence) Section, Chief of General
22 Affairs Bureau. (3)

23 "Chief of Naval General Staff, Vice-Chief
24 of Naval General Staff, Chief of 1st (Administration)
25 Section, Chief of 2nd (Intelligence) Section, Chief of

1 5th Bureau.

2 "Navy Minister, Vice-Minister of Navy,
3 Chief of Bureau of Naval Affairs (3) and the
4 Commander-in-Chief of the Home Defense."

5 THE PRESIDENT: Where is the report?

6 MR. LOPEZ: I beg your pardon. We have not
7 tendered the report, your Honor. We merely want to
8 show that they were kept posted about investigations.

9 We tender in evidence IPS document No.
10 2534-A, which is a news-story entitled, "Conference
11 is Held by Army Members of Supreme Council", published
12 in the Tokyo Nichi Nichi of Tuesday, July 1, 1941,
13 to show that the defendant KIMURA was part of the
14 inner circle that plotted the course of Japanese
15 policies in the face of the "fast-changing internation-
16 al situation." The Tokyo Nichi Nichi issue of July 1,
17 1941 was already admitted in evidence as exhibit 1132
18 (page 10,204 of the record).

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 2534-A will receive exhibit No. 2246.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 2246 and received in evidence.)
25

MR. LOPEZ: We read the document in its

1 entirety:

2 "CONFERENCE IS HELD BY ARMY MEMBERS OF
3 SUPREME COUNCIL

4 "TOJO EXPLAINS

5 "Candid Views are Exchanged Regarding
6 Fast-Moving Situation.

7 "The Army called a conference of Army members
8 of the Supreme War Council on June 30 at 1:30 p.m.
9 at the War Minister's official residence.

10 "War Minister Lieut. General TOJO and re-
11 lated officials explained in detail the present
12 fast-changing international situation after which
13 candid views were exchanged regarding the attitude
14 to be taken by Nippon in the future.

15 "The Army members of the Supreme War Council
16 who attended the conference were T. I. H. Marshal
17 Prince KAN-IN, General Prince ASAKA and General
18 Prince HIGASHI-KUNI General Count Hisaiehi, TERAUCHI,
19 General Kenji DOIHARA and General Yasuji OKAMURA.

20 "Representing the Army organs were War
21 Minister TOJO; General Gen SUGIYAMA, Chief of the
22 General Staff; General Otozo YAMADA, Inspector-General
23 of the Army Education; War Vice-Minister KIMURA,
24 Vice-Chief TSUKATA of the General Staff, and other
25 officials concerned."

We tender in evidence IFS document No.

1 2908, which is a news-story entitled, "Awarding
2 of Decorations to General SUGIYAMA and others from
3 Fuehrer HITLER", published in the Asahi Shimbun
4 of 2 October 1942 which gives account of the cere-
5 monies attending the award of medals from Adolf
6 HITLER to the defendants KIMURA, DOIHARA, and SATO
7 in recognition of their contribution to German-
8 Japanese collaboration.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 2908 will receive exhibit No. 2247.

12 (Whereupon, the document above re-
13 ferred to was marked prosecution's exhibit
14 No. 2247 and received in evidence.)

15 MR. LOPEZ: We will read the document in
16 its entirety:

17 (Reading): "AWARDING OF DECORATIONS TO
18 GENERAL SUGIYAMA AND OTHERS FROM FUEHRER HITLER.

19 "CEREMONY HELD AT EMBASSY TODAY

20 "Answering to the decorations which were
21 conferred by His Majesty the Emperor upon military
22 and civil officials of Axis nations residing in
23 Japan on the anniversary of the conclusion of the
24 Tripartite Pact, the ceremony of awarding decorations
25

1 conferred by Fuehrer Hitler upon Japanese officials
2 was held at the German Embassy, NAGATACHO KOJIMACHI
3 KU TOKYO at 12.30, 1st October.

4 "SUGIYAMA, Chief of General Staff, DOHIHARA,
5 Army Air Inspector General, KIMURA, Vice War Minister,
6 SATO, Chief of Military Affairs Bureau, NINOMIYA,
7 Secretary to the Prime Minister proceeded to the
8 Embassy in dignified official military uniform.

9 Ambassador OTT, after handing the 'Grand Cross of
10 the German Eagle' to General SUGIYAMA and DOHIHARA
11 and Lieutenant General KIMURA, 'Order For Merit with
12 Star' to Major General SATO and 'First Class Order
13 For Merit' to Colonel NINOMIYA, stated as follows:

14 "We acknowledge your merits in having by
15 your efforts won glorious victories in the joint
16 execution of the War.' Representing the others
17 General SUGIYAMA stated as follows: 'We pledge that
18 we will march steadily towards the final victory
19 with a firmer belief in the victory of the Axis in
20 order to respond to the honour given by the FUEHRER
21 today.'

22 "The decorations conferred by the FUEHRER
23 today are all newly issued war time decorations with
24 swords attached to them.

25 "After the ceremony was over, all the

1 attendance drank a toast. They had dinner with
2 friendly conversation and atmosphere and the meeting
3 was closed at 2 P.M."

4 Brigadier General Quilliam, your Honor,
5 will address the Court.
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1 THE PRESIDENT: Brigadier Quilliam.

2 BRIGADIER QUILLIAM: May it please the
3 Tribunal, I offer in evidence as implicating the
4 defendant SHIMADA the report of a speech made by
5 him at an Accounts Committee Meeting of the Diet
6 on the 10th February 1942, being IPS document No.
7 2774B. This is part of IPS document No. 2774 which
8 has been already produced for identification, and
9 was given exhibit No. 2236. In this speech SHIMADA
10 emphasizes that Japan must be the leading power
11 throughout the whole area of Greater East Asia and
12 that any element which does not conform to the will
13 of the Japanese must be eliminated completely. I
14 propose, if the Tribunal please, to read the whole
15 speech.

16 THE PRESIDENT: Admitted on the usual
17 terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 2774B will receive exhibit No. 2248.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 2248 and received in evidence.)

23 BRIGADIER QUILLIAM: (Reading)

24 "Minutes of the Accounts Committee Meeting
25 of the Diet, 7th Day, February 10, 1942, Speech by

1 Navy Minister SHIMADA.

2 "I am overwhelmed with gratitude for the
3 praises given just now concerning the various naval
4 victories. The question asked, is not a matter which
5 can be decided by the Navy alone. A part of the out-
6 line of the basic policy is primarily indicated in
7 the Emperor's Declaration of War. The Government's
8 Declaration also extends to this point. Premier
9 TOJO has already reported at this Diet Session
10 (T. N. 79th Imperial Diet Session) matters which can
11 safely be revealed at this time. As for the Navy,
12 it also has the desire to successively show good
13 results by following the Government's policies, not
14 to mention the Emperor's Declaration. I am in full
15 agreement with the anxiety which was expressed, that
16 perhaps it might be meaningless to have foreigners
17 who already have foundations, grab the economic power
18 despite our occupation, which was no easy task.
19 I believe that this does not apply only to the southern
20 regions. I believe that this should apply to the
21 whole area which comprises the Greater East
22 Asia Co-Prosperity Sphere. We, the JAPANESE race,
23 must be the leading power throughout the whole area
24
25

1 of Greater East Asia. However, since JAPAN is the
2 center of activities, whatever one may say, any
3 element which does not conform to the will of the
4 JAPANESE race must be eliminated completely. How-
5 ever, those who work on a foundation of righteous-
6 ness will naturally be recognized. I am also of the
7 conviction that we must never allow the sacrifices
8 of lives to have been made in vain. In the future,
9 concrete matters will be decided by the Government
10 and not by the Navy alone. I am also of the opinion
11 that this line of thought should be adopted. For
12 the present, we must win this war at all costs, as
13 the Premier has stated frequently. The opponent
14 is a great enemy who possesses vast amounts of
15 materials, and since two great powers are unitedly
16 opposing JAPAN, it is no easy task to defeat them.
17 Occasionally we hear people cry for materials and
18 gasoline just because we have attained a few mili-
19 tary victories, but we soldiers do not feel any
20 such freedom from care. Even a drop of gasoline
21 must be used for military purposes, and the war must
22 be won somehow or other. After first winning the
23 war, I would like to build the foundation while
24 eliminating the point which you have just indicated.
25

1 (T. N. The last sentence was addressed to Committee
2 Member KASAI who gave a talk just prior to SHIMADA)
3 in other words, as regards the great plan of devis-
4 ing various measures for the winning of the war and
5 also the successive building of a foundation which
6 will enable the JAPANESE race to expand in the future,
7 I believe, as the Premier stated previously in the
8 Diet, that an announcement will be made in the near
9 future since appropriate organs are now ready. I
10 want them to progress by striving to the utmost,
11 taking into consideration the peoples ideas and
12 avoiding pitfalls. It is now only two months
13 since this war started, but even if we think far in
14 the future, if we make too much haste, mistakes are
15 more likely to crop up. Therefore, I hope that per-
16 fect plans will be devised in order to avoid miscal-
17 culations."

17 BRIGADIER QUILLIAM: May it please the
18 Tribunal, that concludes the evidence to be present-
19 ed against the defendant SHIMADA.

20 THE PRESIDENT: Mr. Comyns Carr.

21 MR. COMYNS CARR: May it please the Tribunal,
22 I now come to supplement the case against the accused
23 KIDO.

24 I first tender corrected translations to
25

1 agree with the Language Arbitration Board of four
2 extracts from his diary, already exhibited. Exhibit
3 1196 is dated 29 November 1941. The pages of the
4 record which will be required to be replaced are
5 10,452 to 10,454.

6 THE PRESIDENT: Admitted on the usual terms.

7 MR. COMYNS CARR: "Extract from entry from
8 Marquis KIDO's diary, 29 November 1941."

9 "From 2 o'clock for about an hour in the
10 study, the Emperor listened in person to the Senior
11 Statesman's opinions. The following is a summary:

12 "The Emperor remarked, The times have be-
13 come very difficult, haven't they? To this Baron
14 WAKATSUKI at once replied, in substance, as follows:

15 "WAKATSUKI - I am not worried about the
16 spiritual strength of our people but in the matter
17 of materials the question of whether or not we can
18 really stand a long-range war deserves careful study.

19 "OKADA - I think that today we are truly
20 confronted with a critical situation. I am con-
21 cerned as to whether we can put full confidence in
22 our ability to supply necessary materials. There
23 was an explanation by the Government a short while
24 ago, but I am still not convinced.
25

1 "HIRANUMA - His Excellency WAKATSUKI has
2 spoken of the spiritual strength of our people and I
3 agree with him on this point. But if today, when we
4 have already been engaged in war for four years,
5 things should further develop into a protracted
6 war, it would become necessary to endure hardships
7 and privations. I therefore consider that adequate
8 measures and efforts for bracing up public sentiment
9 are necessary.

10 "KONOYE - I deeply regret that I have not
11 been able to do anything toward the adjustment of
12 Japanese-American relations despite my efforts since
13 last April. But I beg to express my appreciation to
14 the present cabinet for zealously striving to attain
15 this end. To my great regret I am forced to conclude,
16 on the basis of this morning's explanation by the
17 Government that further continuation of diplomatic
18 negotiations would be hopeless. Still, is it necessary
19 to resort to war at once even though diplomatic nego-
20 tiations have been broken off? Would it not be
21 possible, I wonder, while carrying on things as
22 they are -- to later find a way out of the deadlock
23 by persevering to the utmost under difficulties.
24 I think that I would like to question the authorities
25 concerned on this point later.

1 "YONAI - I do not have any data with me so
2 I cannot express any definite opinion, but if Your
3 Majesty will permit me to use the vernacular, I
4 pray that we may take care 'not to lose everything
5 by trying to avoid becoming poor gradually.'

6 "HIROTA - After having talked on conditions
7 of each of the world powers since the World War,
8 Japan has adopted every possible means to avoid the
9 intervention of Britain and America in the China
10 Incident. In spite of this the diplomatic situa-
11 tion has become so serious as it is today. Accord-
12 ing to the explanations of the Government we seem
13 to stand now face to face with a diplomatic crisis.
14 Though the diplomatic crisis has a close relation
15 to the strategic moment, I think the true intentions
16 of both sides in diplomatic negotiations are only
17 revealed after passing through several crisis. Why
18 should we hastily rush into war immediately after
19 being confronted with the present crisis? Granting
20 that war is inevitable, I believe we should always
21 be on the watch to seize the opportunity for a solu-
22 tion by diplomatic negotiations even though blows
23 have been exchanged.

24 "HAYASHI - I have no reference data with me
25

1 but on the whole there is no alternative but to reply
2 on the conclusions arrived at by the Cabinet after
3 thorough cooperation and study with Imperial Head-
4 quarters.

5 "ABE - According to the Government's ex-
6 planation it seems as the continuation of diplomatic
7 negotiations will be difficult and that we are now
8 placed in a really grave situation. I believe that
9 we cannot expect anything further from the Cabinet
10 as it appears to have studied matters very minutely
11 from every conceivable angle. But it will be neces-
12 sary to carefully take into account the attitude of
13 the Chinese people, for I believe it will be possible
14 by one false step to lose all the gains hitherto
15 achieved.

16 "WAKATSUKI - We have today, I believe,
17 arrived at a really important moment. I should like
18 to say one thing: If it is necessary for the preser-
19 vation and self defense of the Empire, we must
20 rise to arms even though the country be reduced to
21 ashes and though we can foresee defeat. But it is
22 dangerous indeed to execute state policy or to make
23 use of the national strength to achieve such ideals
24 as to the 'Establishment of the Greater East Asia
25

1'Co-Prosperity Sphere' or of the 'Stabilizing Power
2of East Asia.' I pray that Your Majesty will give
3careful consideration to this point."

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1 MR. COMYNS CARR: The next exhibit is 1239.
2 The page of the record is 10,683.

3 (Reading): "Extract from Entry from Marquis
4 KIDO's Diary, 8 December 1941.

5 "At 12:40 a.m. Foreign Minister TOGO tele-
6 phoned me saying that Ambassador GREW had brought a
7 personal telegram from President ROOSEVELT to the
8 Emperor, and asked my advice as regards the manner
9 of handling same. I therefore advised him to
10 deliberate carefully with the Premier as regards
11 its diplomatic effect and procedure, also stating
12 that, as for an audience with HIS MAJESTY, His
13 Majesty would graciously grant same even at midnight,
14 so that there was no need of paying heed to this
15 point.

16 "At 1:30 a.m. MATSUDAIRA, the Minister of
17 the Imperial Household called me up by telephone
18 about the aforesaid matter, so I gave him my opinion.

19 "Was notified that Foreign Minister TOGO
20 had proceeded to the Imperial Palace. I also pro-
21 ceeded to the Palace at 2:40 a.m. I had a talk with
22 the Foreign Minister at The Palace. Returned home
23 at 3:30 a.m.

24 "At 7:15 a.m. was on duty at the office.
25 Today was an unusually fine day. As I was proceeding

1 towards Miyake-zaka after having climbed the Akasaka
2 Mitsuke slope, I saw the sun rising brilliantly
3 above the buildings in the distance. When one comes
4 to think of it, this is the very day when our
5 country is at last going to enter a gigantic war
6 against the two great Powers of America and Britain.
7 Already at daybreak this morning, an air unit of
8 the Navy has carried out a mass air raid on Hawaii.
9 Knowing of it, I was anxious about its result, and
10 unconsciously I faced the sun and closed my eyes in
11 prayer.

12 "At 7:30 a.m. met the Premier and both
13 Chiefs of Staff and on hearing about the good news
14 of the grand success of the surprise attack on
15 Hawaii, I deeply felt the blessings of Divine Grace.

16 "From 11:40 to 12 a.m. was received in audience.
17 Even at the moment of our entering upon a war where
18 the national destiny was at stake, I most humbly
19 beg to remark that I found His Majesty perfectly
20 calm and absolutely unperturbed in His demeanor, for
21 which I truly felt extremely thankful. The Imperial
22 Proclamation of War was issued."

23 MR. LOGAN; If the Tribunal please, may
24 we have this referred to the Language Section to
25 have them point out to the Tribunal just what the

1 Japanese interpretation is of the words "at last",
2 because I understand they are different from what
3 we ordinarily understand them in English.

4 THE PRESIDENT: This document is approved
5 by the Board and it is supposed to contain the
6 equivalent English words.

7 MR. LOGAN: They are the equivalent English
8 words, your Honor, but they have an entirely differ-
9 ent meaning, as I understand it, from what is
10 ordinarily understood in the English language, that
11 is, the Japanese meaning.

12 THE PRESIDENT: They are supposed to give
13 us the English words that convey the proper meaning.

14 MR. LOGAN: Well, I spoke to the Translation
15 Bureau about it, and they said that they would not
16 put a translator's note on it unless they had a
17 direction from the Court. I might say that those
18 same words were used in exhibit 1210, which is also
19 another excerpt from Marquis KIDO's diary.

20 THE PRESIDENT: We will refer the matter to
21 them.

22 MR. COMYNS CARR: I would like to say that
23 this matter has been referred to the Board.

24 THE PRESIDENT: We will refer it to them again.

25 MR. COMYNS CARR: If your Honor pleases:

1 Exhibits 1278 and 1282 were read in the
2 corrected form in the record. All I have to do is
3 to hand in copies of the pages which have been
4 reprocessed to be substituted for the pages in
5 the copy exhibits themselves.

6 Your Honor, I am asked to ask for this
7 instruction. In the cases of 1196 and 1239 the
8 whole document has been reprocessed and should be
9 substituted for the original translation. In the
10 cases of 1278 and 1282 it was only necessary to
11 reprocess certain pages, and those should be sub-
12 stituted for the corresponding pages in the original
13 translation.

14 THE PRESIDENT: Well, you are not merely
15 making recommendations on a document already tendered,
16 but you are tendering fresh documents; and they are
17 admitted on the usual terms, and will bear the same
18 number.

19 MR. COMYNS CARR: The next is prosecution's
20 document 1532-E, which is the Japanese original of
21 exhibit 1189, an intercepted message in which certain
22 errors were found (see Record page 10402. As certain
23 errors appear on examination, I offer the original in
24 evidence.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution's document
2 No. 1532-E will receive exhibit No. 2249.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 2249 and received in evidence.)

6 MR. COMYNS CARR: A telegram to Foreign
7 Minister TOGO from NOMURA and KURUSU, No. 1180,
8 dated November 27, 1941.

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1 MR. COMYNS CARR: A telegram to Foreign
2 Minister TOGO from NOMURA and KURUSU, No. 1180, dated
3 November 26, 1941:

4 "As /stated/ in our frequent cables, there
5 is no hope to get acceptance for the whole of B plan,
6 while we have not much time left. If the condition
7 does not change we must give up the negotiation
8 though it is not desirable at all. We are deeply
9 humiliated at our lack of influence. In this case
10 the only way to bridge over this difficulty is to let
11 President Roosevelt cable to His Majesty first of the
12 hope of Japan and America's cooperation to maintain
13 peace in the Pacific, (we will try our best to do so,
14 if we can get your permission) and in return, to ask
15 His Majesty to answer this message, clearing the air.
16 At the same time, if we can get a little time more,
17 it is possible to take the initiative in proposing
18 the establishment of neutral countries including French
19 Indo-China, Netherland East Indies and Siam, consider-
20 ing that England and America may start protective
21 occupancy (as you know, President Roosevelt suggested
22 to make the Netherlands East Indies and Siam neutral
23 countries in September of this year).

24 "Though there is an opinion that the rupture
25 of this negotiation does not decidedly mean the

1 outbreak of war, after the breakdown of the negoti-
2 ations, it is possible for them to occupy Netherlands
3 East Indies, as I stated previously and the conflict
4 will inevitably start by our attack. But it is very
5 doubtful whether Germany will take action in accord-
6 ance with Article Three of the (Tri-Partite) treaty,
7 and the solution of the China incident must be
8 carried over at least to the end of this World War.

9 "As this telegram may become the last one of
10 my suggestions, I wish you to show this at least to
11 the Lord Keeper of the Privy Seal KIDO and answer
12 us by return telegram."

13 The first additional document which I offer
14 in evidence is prosecution No. 2-A dated November,
15 1941, being a fuller and more considered account
16 than appears in his diary, exhibits 1147, 1150,
17 1151, 1154, and 1156, of the fall of the Third
18 KONOYE Cabinet and his reasons for recommending
19 TOJO as the new premier.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Prosecution's document
22 No. 2-A will receive exhibit No. 2250.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 2250 and received in evidence.)

1 THE PRESIDENT: Any substituted document
2 will bear on its face a statement that it is sub-
3 stituted by order of the Court of the 24th of
4 January 1947. I am referring now to thos pages that
5 were substituted.

6 MR. COMYNS CARR: I take it, your Honor,
7 that the substituted exhibits will retain the same
8 number as the original for which they are substituted.

9 THE PRESIDENT: I have already so directed,
10 but, in addition, the substituted material should
11 bear on its face a statement that it is substituted
12 by order of this Tribunal of today.

13 MR. COMYNS CARR: Reading now exhibit 2250:

14 "Circumstances under which the Third KONOE
15 Cabinet Tendered Resignations.

16 "On October 16, 1941, Prime Minister KONOE
17 collected the resignations of the Cabinet Members
18 and presented them to the Emperor.

19 "According to the announcement of the
20 Information Board, the reason for the resignation en-
21 bloc of the Cabinet is the incongruous perspective
22 of opinion in regard to the execution of the present
23 national policy. Consequently, the actual facts of
24 the circumstances leading up to the resignation en-
25 bloc are not known at all by the public, and it is

1 not at all such a simple matter.

2 "Of course, this is not unreasonable, because
3 as regards the decision of the Council in the Imperial
4 presence of September 6 which was the cause of the
5 recent political change, not even the fact of the
6 opening of the Council itself was announced; thus, it
7 was hardly possible to know nor in any way to let it
8 be known. Let it slip out, then indeed, one is
9 liable to infringe on the National Defense Preserva-
10 tion Law. However, unless somebody who knows the
11 truth clarify this situation, there is the fear of
12 erroneous judgment by historians at a later date. So
13 the gist of the circumstances has come to be recorded.

14 "1. The Decision of the Council in the
15 Imperial Presence on September 6 and the Developments
16 later.

17 "The direct cause of the recent political
18 shakeup had its origin in the decision of the Council
19 in the Imperial presence of September 6. Prior to
20 this, however, the government had been pushing, with
21 utmost secrecy, the negotiations in regard to the
22 adjustment of diplomatic relations with America since
23 about April. There are many matters worth recording
24 about these negotiations, but they will be omitted
25 inasmuch as they have no direct connection with the

1 present subject. At any rate, those negotiations had
2 to be temporarily suspended because of the peaceful
3 advance of the Imperial army into Southern Indo-
4 China and also the resignation en bloc of the Second
5 KONOE Cabinet. But they were again taken up by the
6 Third KONOE Cabinet. As a result the Council in the
7 Imperial Presence was opened on September 6, when the
8 following policy was decided, and in line with it,
9 the following important decision was made:

10 "To utilize every means of diplomacy in
11 regard to America and Britain to fulfill the require-
12 ments of Japan, with the determination to open
13 hostilities against America (Britain and the Nether-
14 lands) immediately in case our requirements seem un-
15 likely to be realized by some time during the first
16 ten days of October.'

17 "The Principle of the Execution of the
18 National Policy of the Empire.

19 "'In view of the present imminent situation,
20 especially the anti-Japanese attitudes taken by the
21 various countries, such as America, Britain and the
22 Netherlands, the situation of Soviet Russia as well as
23 the resiliency of the national strength of the Empire,
24 etc., the Empire will carry out the policy prescribed
25 in regard to the South within "the Principles of the

1 National Policy of the Empire in line with Recent
2 Developments of the Situation" in accordance with the
3 following:

4 "1. The Empire will complete war preparations
5 by around the latter part of October, with the deter-
6 mination not to shirk war against America (Britain
7 and Netherland) /if it be/ for the sake of self-
8 preservation.

9 "2. In line with the aforementioned, the
10 Empire will endeavour to fulfill the requirements of
11 the Empire by utilizing every diplomatic means in
12 regard to America and Briatin.

13 "The minimum required items which the Empire
14 must obtain in regard to the negotiations with America
15 (Britain) and the limit of agreements which can be
16 accepted by the Empire in regard to these are on
17 separate sheets (separate sheets omitted).

18 "3. We are resolved to open hostilities
19 against America (Britain and the Netherlands) immedi-
20 ately if, by the diplomatic negotiations of the pre-
21 ceding paragraphs, there is still no outlook for the
22 realization of our requirements by about the early part
23 of October.

24 "Policies towards areas other than the South
25 shall be in accordance with the established national

1 policy, and particularly, an endeavour shall be made
2 to avoid a combined battle front against the Empire
3 by America and Soviet Russia in the future.'

4 "After that, although the government worked
5 assiduously for the establishment of negotiations
6 with America, the opinions of the two countries did
7 not coincide readily and finally the 10th day of
8 October came and passed. Thereupon, the army repeatedly
9 demanded the execution of the decision of the Council
10 in the Imperial presence, but Prince KONOE remained
11 irresolute. However, as the political situation
12 was such that things could not be put off from day to
13 day, Prince KONOE called the three ministers, the
14 Foreign, Army and Navy, along with President SUZUKI
15 of the Planning Board, to his private residence at
16 Ogikubo on October 12 and held a meeting. From
17 Chief Secretary TOMITA of the Cabinet, I learned
18 that opinions were divided at the meeting as to the
19 interpretation of the decision reading 'in case there
20 is no outlook for realization of our requirements. . .'
21 The premier was of opinion that there was still hope,
22 whereas the War Minister had already decided that
23 there was no hope and strongly advocated a decision
24 to open hostilities. The attitude of the Naval
25 Minister was to await the decision of the premier.

1 Finally, the following decision was made upon the
2 suggestion of the War Minister:

3 "In the Japanese-American negotiations,
4 Japan should:

5 "Try to obtain confidence regarding diplo-
6 matic success on the following two points by about
7 the time desired by the Supreme Command:

8 "a. No changes to be made in the policies
9 regarding the stationing of Japanese troops, and any
10 policies centering around them.

11 "b. Not to undermine the success attained
12 in the China Affair.

13 "Proceed to reach diplomatic agreement
14 according to the abovementioned conviction.

15 "Stop preparations for military operations,
16 with the decision of proceeding with the above inten-
17 tion.

18 "The Foreign Minister should investigate
19 the possibilities of success of the above points.

20 "2. Developments after the Ogikubo Conference.

21 "Although the decision was made as above
22 mentioned, the political situation tightened up each
23 moment and without time for sufficient study of the
24 aforementioned decision and without arriving at any
25 conclusion, the Cabinet rushed into the resignation

1 en bloc which took place on the 16th. I had several
2 occasions to confer informally in regard to the sav-
3 ing of the situation with Premier KONOE, War Minister
4 TOJO and President SUZUKI of the Planning Board, etc.,
5 from the 12th to the 16th, inclusive, but the details
6 will be omitted. Mention may be made, however, as to
7 the attempted formation of the Imperial Prince
8 HIGASHIKUNI Cabinet, which was proposed by War Minister
9 TOJO at that time and which was reportedly agreed upon
10 by Prince KONOE. I expressed my opposition from the
11 following reasons, and had it sent to War Minister
12 TOJO through the medium of President SUZUKI:

13 "1. The request for the help of an Imperial
14 Prince should be sought only in case of sheer neces-
15 sity, for instance, a case when the Army and the Navy
16 coincide in opinions, but the circumstances call for
17 the arbitration by an Imperial Prince. In such a
18 case, there is a possibility of the formation of an
19 Imperial Prince Cabinet. According to the circum-
20 stances as represented in the talk of the night before
21 last, difficult problems still remained unsettled. In
22 such situation, it is absolutely impossible to request
23 an Imperial Prince for the solution of these problems.

24 "On the other hand, it may be construed as
25 an indication that there is no able man among the

1 subjects, and moreover, if a war should happen between
2 America and Japan with an Imperial Prince Cabinet, it
3 would be a grave matter. In other words, if a member
4 of the Imperial Families should be entrusted with the
5 execution of the policies of such an important nature
6 as even Premier KONOE could not carry out according
7 to the decision of the Council in the Imperial presence,
8 and if it should turn out against expectations, then
9 the Imperial Families would be liable to be exposed as
10 a national object of hatred.

11 "On the 16th, an interview was sought by War
12 Minister TOJO, so I received him at 3 p.m. at the
13 office of the Lord Keeper of the Privy Seal. The talk
14 was connected with the extremely pressing political
15 situation. At that meeting, TOJO suggested Prince
16 HIGASHIKUNI as the succeeding premier, to which I
17 expressed opposition for the foregoing reasons.
18 Moreover, I expressed my opinion candidly as follows
19 in regard to the saving of the situation:

20 "In view of the present attitude of the
21 Navy, it is hardly possible to decide on the opening
22 of hostilities against America. On the other hand,
23 without doubt, the decision of the Council in the
24 Imperial presence of September 6 is of the utmost
25 importance. Now, if there should be even a little

1 doubt /about the attitude of the Navy or the decision
2 of the Council/, I believe it will necessitate a com-
3 plete reconsideration. In short, without the decisive
4 assurance of the Navy, the utmost precaution must be
5 taken in plunging into an all-out war and gambling
6 the fate of the country.'

7 "War Minister TOJO completely agreed with my
8 opinion and went so far as to express the opinion
9 that the decision of the Council in the Imperial
10 presence was a cancer and that this war could not be
11 carried out without the firm confidence of the Navy.
12 Then we exchanged opinions to the effect that, if the
13 War Minister understood the situation to this extent,
14 there should be some means of reaching an understand-
15 ing with the Premier and of removing the deadlock with
16 success. By this time, however, it was reported that
17 the Premier had been collecting the resignations of
18 the Cabinet members individually, and at 5 p.m.
19 Prince KONOE proceeded to the Palace and tendered
20 the resignations to the Throne.

21 "An Imperial order was immediately given to
22 me in regard to the remedial measures following the
23 resignation en bloc of the KONOE Cabinet. This time,
24 various difficulties which had never been seen before
25 appeared and I could not come to a decision readily.

1 Firstly, there was no one for the candidacy of premier
2 equal to Prince KONOE, and, secondly, the recent
3 political change had been caused by the interpreta-
4 tion of the decision of the Council in the Imperial
5 presence, even the opening of which had not been made
6 public. Judging from the change of the recent situ-
7 ation, the minimum requisite of today was to withdraw
8 the decision of the Council in the Imperial presence
9 of September 6, but, on the other hand, the so-called
10 'Imperial Standard,' - that is to say, the decision
11 that in case diplomatic negotiations seem hopeless by
12 the first part of October, we will be determined to
13 open hostilities against America -- was in the hands
14 of leading elements of the Army. Thus, in view of
15 the recent situation, the most difficult task was to
16 withdraw the aforementioned decision and start from
17 the very beginning. In other words, the man who was
18 entrusted with the Imperial order at this time, and
19 formed a Cabinet, must comply with the wishes of the
20 Emperor in assuming leadership of the military, es-
21 pecially of the Army, and also in bringing about the
22 complete cooperation of the Army and the Navy. The
23 person who was able to meet these conditions had to
24 be a man who could sufficiently comprehend the
25 development of the situation up to this time, and had

1 sincerely reviewed the circumstances which had brought
2 about the present situation. In this respect, I
3 thought, that a man who had been an outsider to date
4 would not only not be able fully to understand the
5 above-mentioned situation, but would most likely be
6 unable to resist the so-called 'Imperial Standard'
7 and would inevitably destroy the significance of the
8 recent political change.

9 "At the Meeting of the Elder Statesmen on the
10 17th, I recommended the War Minister /as the succeed-
11 ing Premier/ for the above mentioned reasons and made
12 a reply to the Throne with the approval of the majority
13 of the members. As such was the actual state of things
14 at that time, even if the Imperial order for the re-
15 organization of a Cabinet were issued, it would be
16 difficult to save the situation. So I requested the
17 Emperor that, at the time of the issue of the Imperial
18 order to the War Minister TOJO, the Imperial message
19 should also be bestowed on him as follows, and that,
20 simultaneously, Navy Minister OIKAWA should be special-
21 ly called and the following message bestowed on him,
22 communicating to him the Imperial request for the
23 eternal close cooperation between the Army and the
24 Navy. Thereafter, I communicated, by order of the
25 Emperor, the following Imperial messages to both

1 Ministers who had returned to the waiting room, and
2 thus, the decision of the Council in the Imperial
3 presence of September 6 was completely withdrawn.

4 "I presume that the Imperial message has
5 just been given to you regarding the cooperative
6 relations between the Army and the Navy. I under-
7 stand it is the Emperor's wishes that, in deciding
8 the fundamental national policy, it is necessary to
9 investigate the domestic and foreign affairs more
10 broadly and deeply and to carry out an earnest study
11 of things without being bound by the decision of the
12 Council in the Imperial presence of September 6. I
13 communicate this to you by Imperial order.'

14 "To War Minister TOJO:

15 "I hereby authorize you to proceed with the
16 organization of a Cabinet. I wish you to conform to
17 the provisions of the constitution. I believe that
18 the present situation is confronted with utmost
19 difficulties.

20 "At this time, I further wish that the Army
21 and the Navy should cooperate more closely.

22 "I will receive the Navy Minister later and
23 tell him about this.

24 "To Navy Minister OIKAWA:

25 "I have received War Minister TOJO and

1 ordered the formation of a Cabinet. I believe that
2 the present situation is confronted with utmost dif-
3 ficulties. As I have given words /to TOJO/ that Army
4 and the Navy should cooperate more closely, you also
5 must endeavour to carry out my will.

6 "In the meantime, the argument to restrain
7 the Army and tide over the threatening crisis of war
8 against America and Britain by appointing General
9 UGAKI was considerably and strongly stressed, and there
10 were demands directed to me from various quarters to
11 heed this argument, but as for myself, I estimated it
12 was unsuitable at this time, according to the afore-
13 mentioned reasons. Consequently, I finally determined
14 to recommend War Minister TOJO to the Throne. Being
15 resolved to take over the whole responsibility upon
16 myself, I submitted the recommendation to the Emperor.

17 "November, 1941."

18 THE PRESIDENT: Do you hope to complete
19 presenting the prosecution's evidence, apart from the
20 Russian, today?

21 MR. COMYNS CARR: I am afraid possibly not
22 quite, your Honor. We may do it or we may be just a
23 few documents short if the Tribunal rises at the
24 usual hour.

25 THE PRESIDENT: We will recess for fifteen

1 minutes.

2 (Whereupon, at 1445, a recess was
3 taken until 1500, after which the proceed-
4 ings were resumed as follows:)

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

3 MR. COMYNS CARR: I now offer in evidence
4 a series of further extracts from his diary which
5 explain themselves and which I will read. Translation
6 queries have been agreed. The corrections are made in the
7 Court copies and in the errata sheet circulated to
8 other parties.

9 Prosecution document No. 1632W(3).

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 1632W(3) will receive exhibit No. 2251.

13 (Whereupon, the document above
14 referred to was marked prosecution's ex-
15 hibit No. 2251 and received in evidence.)

16 MR. COMYNS CARR: (Reading)

17 "January 28th, 1932

18 "At 2:00 p.m. today, General MINAMI delivered
19 a lecture on the latest situation in Manchuria before
20 the Emperor in the Palace. I had the honor to attend
21 the lecture in the Imperial presence.

22 "General MINAMI told us of his impressions
23 resulting from his inspection of the general situation
24 there. He explained that the brave action of our Japanese
25 troops lay in the Japanese people's overall assistance

1 to them, their firm belief in victory, and their
2 confidence in their own military skill.

3 "His conclusions regarding the Manchuria-
4 Mongolia question:

5 "I. In the matter of our national defence,
6 Japan's relation to the new state and its administration
7 will be to take over its defence and by expediting the
8 completion of the Kirin-Kwainei Railway, make the
9 Sea of Japan into a lake and facilitate Japan's advance
10 into the North Manchuria area. Thus our national
11 defence plans would be revolutionised.

12 "II. Japan-Manchuria Joint Management - To
13 take concrete measures against economic blockade from
14 abroad, thereby firmly establishing a method by which
15 she can live forever as a Japan of the world.

16 "III. Solution of the Population Problem -
17 It is not so difficult to solve the population problem
18 provided that we give our emigrants in Manchuria the
19 same protection as that which they receive in South
20 America, and provided that we establish a colonial
21 trooping system there.

22 "When a new state is established in Manchuria
23 and Mongolia, I think it is advisable to unify the present
24 three or four Japanese organs in Manchuria and Mongolia
25 under one Japanese organ to be placed under a Government-

1 General as follows:- The Governor General."

2 There is a plan I won't read.

3 Next, 1632W(5).

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 1632W(5) will receive exhibit No. 2252.

7 (Whereupon, the document above
8 referred to was marked prosecution's ex-
9 hibit No. 2252 and received in evidence.)

10 MR. COMYNS CARR: (Reading)

11 "May 17th, 1932.

12 "At noon today I met and had lunch with Prince
13 KONOYE, Marquis INOUE and Lt. Col. SUZUKI at Baron
14 HARADA's residence. We talked about matters concerning
15 measures to cope with the present incident as well as
16 the succeeding cabinet..... Lt. Col. SUZUKI
17 said that if a new Cabinet were organized under the
18 leadership of political parties, a second or third
19 incident would occur..... It was suggested that a
20 national coalition cabinet might be a solution. Vice-
21 Minister KOISO seems to be in favour of a HIRANUMA
22 Cabinet. It is thought that the direct stimulation for
23 the incident this time was a declaration in respect to
24 the safeguarding of the political parties."
25

1632W(6).

1 THE PRESIDENT: Mr. Levin.

2 MR. LEVIN: Mr. President, I think it should
3 be indicated that certain portions of the memoranda
4 of this day are not in the exhibit. In other words,
5 the exhibit itself does indicate that fact, but there
6 is nothing in the statement and I would like to direct
7 the attention of the Tribunal to that fact.

8 MR. COMYNS CARR: 1632W(6).

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 1632W(6) will receive exhibit No. 2253.

12 (Whereupon, the document above
13 referred to was marked prosecution's ex-
14 hibit No. 2253 and received in evidence.)

15 MR. COMYNS CARR: (Reading)

16 "18 April 1933

17 "Attended a party given by Vice-Minister OTANI
18 at the Kinsui. In the middle I left to attend a party
19 held for Prince HIGASHIKUNI at the residence of Marquis
20 INOUE, and I found there Prince KONOYE, Baron HARADA,
21 Lieutenant-Colonel SUZUKI and Chief of the Information
22 Bureau SHIRATORI.

23 "The discussion naturally extended to the
24 theory of the Japanese spirit, Viscount OKABE's abolition
25 of the metric system, and the severance of diplomatic

1 relations with Russia.

2 "According to Lt. Col. SUZUKI there were two
3 kinds of enemies, an absolute enemy and a relative
4 enemy. As Russia aimed to destroy the national structure
5 of Japan, he pointed out Russia as an absolute enemy.
6 He said that any attempt to conclude a non-aggression
7 pact with Russia is nothing more than a utilitarian
8 calculation and must be denounced by all means."

9 1632W(9).

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 1632W(9) will receive exhibit No. 2254.

13 (Whereupon, the document above
14 referred to was marked prosecution's ex-
15 hibit No. 2254 and received in evidence.)

16 MR. COMYNS CARR: (Reading)

17 "14th July, 1937 - (Extract)

18 "ATSUI came at 8:00 o'clock. We talked on
19 matters such as discontinuing the dispatching of troops
20 to North China, and became indignant."

21 This a few days after the Marco Polo Bridge
22 Incident.

23 MR. LOGAN: May I say that that word is not
24 "We", it is "He."

25 MR. COMYNS CARR: This has been before the

1 Language Board, your Honor, and I am reading what I
2 understand is their version.

3 THE PRESIDENT: The capital "H" appears
4 so indistinctly as to easily be taken as a "W". It
5 is "H" and it is "He".

6 MR. COMYNS CARR: It is "He", your Honor. If
7 it is "He", your Honor, is there anything between
8 "and" and "became" in the last line in your Honor's
9 copy?

10 THE PRESIDENT: No.

11 MR. COMYNS CARR: 1632W(10).

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Document No. 1632W(10)
14 will receive exhibit No. 2255.

15 (Whereupon, the document above
16 referred to was marked prosecution's ex-
17 hibit No. 2255 and received in evidence.)

18 MR. COMYNS CARR: (Reading)

19 "27 October 1937

20 "I attended the extraordinary session of the
21 cabinet, in which we decided on our statement and answer
22 to the invitation to the Council in connection with the
23 Nine-Power Pact."
24

25

1 KIDO was now Education Minister.

2 1632(W)11.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution document
5 No. 1632W(11) will receive exhibit No. 2256.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 2256 and received in evidence.)
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1 MR. COMYNS CARR (Reading):

2 "3 November 1937. War Minister SUGIYAMA
3 visited me at 6:00 o'clock. We freely exchanged
4 views on matters such as saving of the situation,
5 the establishment of the Imperial General Headquarters,
6 the declaration of war, etc."

7 1632W (13).

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 1632W (13) will receive exhibit No. 2257.

11 (Whereupon, the document above
12 referred to was marked prosecution's exhibit
13 No. 2257 and received in evidence.)

14 MR. COMYNS CARR (Reading):

15 "16 November 1937. At 10 a.m. I called on
16 Prince KONOYE at the Premier's official residence. I
17 urged him as follows: Concerning the matter mentioned
18 yesterday, I thought that the action would have an
19 adverse influence on financial and other circles,
20 particularly with respect to the rate of exchange. I
21 am very much concerned over how the war situation might
22 be affected if it should drop heavily.

23 "Whatever the case might be in the event of
24 the war changing into a defensive operation, if there
25 were a commotion in the internal politics now when we

1 are on the offensive, the attitude of foreign
2 countries, which had finally turned serious, would be
3 changed by it. This must be avoided by all means.

4 "Moreover I said that even if he should
5 resign, nine chances out of ten the Emperor would
6 again order him to form a cabinet, and if he should
7 refuse this command, I should also be unable to
8 explain it to the elder statesman (GENRO) and the
9 others. I said that if he should finally make up his
10 mind to do it, that I should like to talk casually
11 about the future to Mr. Seihin IKEDA and the Chief of
12 the Military Affairs Bureau, MACHIJINI, beforehand. He
13 said 'wait a little while.' Moreover he decided that
14 in the event of an Imperial command he would accept.
15 The talk ended for the time being."

16 1632W (14).

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 1632W (14) will receive exhibit No. 2258.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 2258 and received in evidence.)

23 MR. COMYNS CARR (Reading):

24 "19th November, 1937. Attended the Cabinet
25 session at 10 a.m. We decided the matter respecting

1 the liaison between the Imperial General Headquarters
2 and the Government. I said that the present Imperial
3 General Headquarters Regulations cover incidents as
4 well as war, but I asked if the degree and extent of
5 an incident had been studied.

6 "The War Minister replied though he had never
7 tried to find a definition on the degree of an incident
8 he considered that only in the case of an incident of
9 such an extent as to require a declaration of war,
10 that is, if the mobilization of the army must be
11 ordered, would Imperial Headquarters be established."

12 1632W (15).

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 1632W (15) will receive exhibit No. 2259.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 2259 and received in evidence.)

19 MR. COMYNS CARR (Reading):

20 "21st December, 1937. At 10 a.m. I attended
21 a Cabinet meeting in which we deliberated on the
22 negotiations with China, draft of the answer to the
23 German Ambassador, and counter-measures for the China
24 Affair. I urged the necessity of creating cultural
25 measures in North China."

1 1632W (16).

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 1632W (16) will receive exhibit No. 2260.

5 (Whereupon, the document above
6 referred to was marked prosecution's exhibit
7 No. 2260 and received in evidence.)

8 MR. COMYNS CARR (Reading):

9 "14th January, 1938. At 10:00 a.m. attended
10 the Cabinet Meeting held at the Prime Minister's
11 Official Residence. Discussed about our epoch-making
12 announcement concerning the China Affair. We continued
13 our discussion through the afternoon.

14 "At the request of the German Ambassador,
15 the Minister of Foreign Affairs met him at 4:30 p.m.
16 The Ambassador said that the German Ambassador in
17 China had handed him the answer of the Chiang Kai-shek
18 Government to the effect that as late as today, it
19 wished to know the meaning of the conditions.

20 "As we thought that it lacked sincerity, we
21 decided to make an announcement of a fixed policy to
22 the effect that we would have nothing to do with the
23 national government, but would negotiate with the new
24 Chinese Government which we expect to be established
25 and join it in the promotion of the newly rising China

1 and the peace of Asia. Concluded the meeting at
2 5:30 p.m."

3 HIROTA was Foreign Minister at this date.
4 1632W (18a).

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 1632W (18a) will receive exhibit No. 2261.

8 (Whereupon, the document above
9 referred to was marked prosecution's exhibit
10 No. 2261 and received in evidence.)

11 MR. COMYNS CARR (Reading):

12 "May 19th, 1938. At 4:00 o'clock I conversed
13 with President HONJO. He expressed the following
14 opinion in regard to the preparations after the battle
15 of Suchow. I promised to do my best since I agreed
16 generally with his opinion.

17 "It may be difficult to anticipate any
18 striking changes as a result of the Battle of Suchow
19 as it appears also that a fairly large portion of the
20 enemy managed to run away. However, even in China there
21 is a considerable amount of peace talk. There is in-
22 formation that when Wu-Pei-Fu protested to Tang-Shao-I
23 as to the attitude of Chiang Kai-shek, Tang replied to
24 the effect that although Chiang's attitude before the
25 Incident was improper, he approved of Chiang's attitude

1 and actions since the Incident. It is said that Tang
2 has contacted Kao-Tsung-Wu, so it could be thought
3 that perhaps there may be some sort of a negotiation
4 from China. Before making a statement to the effect
5 that we will have nothing to do with the Chiang
6 Government, it is necessary to give due consideration
7 and provide room for breaking the impasse.

8 "After the battle of Suchow, it is on one
9 hand, necessary to show an attitude of advancing to
10 Hankow, but, at the same time, it is essential to
11 take steps for settling the Incident. If things do
12 not turn out as hoped for, I believe it would, by all
13 means, be necessary to establish a close connection
14 also with the Supreme Command and, with the present
15 Reserve Fund of ¥800,000,000 and ¥300,000,000 in
16 gold, enter into protracted warfare, by planning to
17 continue for about three years. Etc."

18 1632W (19).

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 1632W (19) will receive exhibit No. 2262.

22 (Whereupon, the document above
23 referred to was marked prosecution's exhibit
24 No. 2262 and received in evidence.)

25 MR. COMYNS CARR (Reading):

1 "August 9th, 1938. I attended the Cabinet
2 meeting held at 10:00 a.m. and heard about the progress
3 of Changkufeng incident from the War Minister and the
4 Foreign Minister. After the meeting I heard from the
5 Premier that the German Foreign Minister von Ribbentrop
6 made a very important proposal to Ambassador OSHIMA
7 (Ambassador TOGO was ignorant of this fact).
8 Von Ribbentrop had consulted with Hitler for four
9 hours before he made this proposal (Ambassador OET
10 was also ignorant about it). Lt. Col. KASAHARA returned
11 by airplane with the above message.

12 "The essence of this proposal is to reinforce
13 the relationship between Japan and Germany which con-
14 tains three clauses.

15 "The third clause provides that in case one
16 nation is attacked by a third country, the other will
17 render military aid. It is a serious matter. According
18 to von Ribbentrop's explanation, Italy will become a
19 participant in this treaty and his words suggest that
20 the negotiations with Italy have already begun. The
21 Navy objects to this clause. Von Ribbentrop predicts
22 the European political situation as follows: 'War with
23 Russia is inevitable; peaceful measures will be taken
24 towards the Czechs; Anglo-French relationship is so
25 intimate that it is impossible to cause disunity between

1 them; America will aid England and France financially
2 but not militarily; Rumania will remain neutral, and
3 Hungary can be made an ally."

4 ITAGAKI was War Minister at this date.

5 1632W (21).

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 1632W (21) will receive exhibit No. 2263.

9 (Whereupon, the document above
10 referred to was marked prosecution's exhibit
11 No. 2263 and received in evidence.)
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MR. COMYNS CARR: (Reading)

"September 7, 1938:

". . . . Dined with Prince KONOYE, Baron HARADA, Marquis MATSUDAIRA, and the widow of TSUGARU at" -- I can't read that -- "at 6:30 p. m. Had a friendly talk with Prince KONOYE in a separate room. I learned that the following is in general the state of affairs in regard to the head of the new political party:

"After the fall of Hakko, the changes in the situation may cause a condition which may necessitate our dealing with Chiang Kai-shek. Furthermore, there are domestic conditions calling for considerable concern such as unemployment and other matters. From the viewpoint that there is a necessity for arranging a so-called 'one nation-one party' system by incorporating all the political parties into one body in order to deal with the above problems, AKIYAMA, KITA, KUHARA, ASO, and others are participating in the movement. It is said that through the mediation of AKITA, MEIDA also met AKIYAMA recently. Prince KONOYE said that he is giving an ambiguous answer thinking that perhaps it would be inadvisable to refuse the party leadership if the political party merger

1 movement should progress according to the afore-
2 mentioned meaning.

3 "Furthermore, Prince KONOYE revealed his
4 true mind by saying, 'I came up against the outbreak
5 of the China Incident since the formation of my
6 cabinet, and have continued to make various pains-
7 taking efforts. However, in viewing the perspective
8 after the fall of Nanking, the result of the declara-
9 tion of January 16th, the effects and showing of the
10 establishment of the new Regime, etc., there are many
11 cases where matters have gone contrary to my expecta-
12 tions. If, on top of this, things should finally
13 lead to having to deal with Chiang Kai-shek, there
14 is nothing I can do but resign since the responsi-
15 bilities thereof would be too heavy.' Moreover
16 he recalled that it could also be surmised that the
17 recent backbiting against the Premier's policy, etc.,
18 by the UGAKI circle is being done with the inten-
19 tion of eventually overthrowing this cabinet. I
20 therefore stressed the fact that it was wholly out
21 of the question for the Premier to quit at this time
22 due to dealing with Chiang Kai-shek and to have the
23 new political situation dealt with by Foreign
24 Minister UGAKI's policies. I told him that it
25 would probably result in a disturbance within the

1 country, and that there was sufficient reason to
2 fear that this would result in our nation's defeat.
3 I emphasized that it was necessary for him not to
4 think of such a thing and go ahead, mustering up
5 his courage once more, and for this purpose it might
6 be unavoidable for him to accept the leadership of
7 the new party if necessary. We talked further
8 about the forming of the new party taking every
9 possible circumstance into consideration, but we
10 both eventually agreed that the secretary-general's
11 test of selecting men is extremely difficult. We
12 further promised each other that we would study this
13 matter more thoroughly.

14 "The Right Wing is also of the opinion
15 that peace between Japan and China must be brought
16 about even by dealing with Chiang-Kai-shek,
17 and TOYAMA and SUENAGA agree to this. He said that
18 he was contacted by SUENAGA on the above point.

19 "As for the military, it is said that the
20 General Staff is generally of the above opinion, and
21 that Lt. Col. IMADA and his Imperial Highness
22 Prince CHICHIBU are its leaders. At first War
23 Minister ITAGAKI was inclined to be opposed to
24 this but lately he has come almost to agree with
25 it. It is said that the situation is at a deadlock

1 because TOJO and KAGESA have the opposite opinion.

2 "I returned home at 11 a. m."

3 TOJO was then Vice-Minister.

4 1632W (22).

5 THE PRESIDENT: Admitted on the usual
6 terms.

7 CLERK OF THE COURT: Prosecution document
8 1632W (22) will receive exhibit No. 2264.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 2264 and received in evidence.)

12 MR. COMYNS CARR (Reading): "2 Nov. 1938.

13 "At 10:00 a. m. I attended the conference
14 of the Privy Council. It was decided to cease
15 cooperating with the various bodies of the League
16 of Nations."

17 1632W (24).

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution document
20 No. 1632W (24) will receive exhibit No. 2265.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 2265 and received in evidence.)

24 MR. COMYNS CARR (Reading): "26 Dec. 1938.

25 "At 1:00 p. m. I called on Baron HIRANUMA

1 at his residence. He expressed his opinion on the
2 resignation of KONOYE Cabinet. He insisted that
3 they must carry on. His reason was that it was
4 reported that Wang Chao-ming had escaped from
5 Chungking and that the plot was proceeding steadily.
6 Even from the viewpoint of loyalty, it is undesirable
7 that Prince KONOYE should resign his post in the
8 present situation."

9 1632W (25).

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution document
12 No. 1632W (25) will receive exhibit No. 2266.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 2266 and received in evidence.)

16 MR. COMYNS CARR (Reading): "December 29,
17 1938.

18 "At 9:00 a. m. Maj. Gen. Teichi SUZUKI
19 visited me. He insisted that KONOYE's Cabinet should
20 carry on.

21 "At 7:00 p. m. the Prime Minister's
22 Secretary, KISHI, telephoned me and I called on
23 Prince KONOYE at his Okikubo residence at 8:00
24 o'clock. Finance Minister IKEDA also went there.
25 War Minister ITAGAKI was already present. The

1 War Minister explained the development of the
2 scheme and the international situation."

3 1632W (26).

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 1632W (26) will receive exhibit No. 2267.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 2267 and received in evidence.)

10 MR. COMYNS CARR (Reading): "5 Jan. 1939.

11 "Received an invitation from Baren HIRA-
12 NUMA, and called on him at 9:50 a. m. at the offi-
13 cial residence of the Minister of Justice. He
14 requested me to take the position of Home M_inister
15 on the ground that the nomination was a predetermined
16 one and almost constituted a condition as the result
17 of his talk with Prince KONOYE. I then consented,
18 on condition that I might dispose of the many
19 different pending problems in the M_inistry at my
20 discretion. I was requested, at the same time,
21 to take up the post of the Welfare M_inister, to
22 which I assented on condition that the full-time
23 Minister should take up his post as soon as
24 possible. At 1 p. m. I reported the circumstances
25 to Secretary KOREMATSU and Vice-Minister HIROSE.

1 "As the result of several negotiations
2 over the telephone with Justice Minister SHIONO,
3 Baron HIRANUMA also approved my proposal to promote
4 Vice Minister HIROSE. HIROSE was immediately
5 informed and sent to the cabinet organization head-
6 quarters."

7 1632W (27).

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution document
10 No. 1632W (27) will receive exhibit No. 2268.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 2268 and received in evidence.)

14 MR. COMYNS CARR (Reading): "31 March 1939.

15 "Conferred at 1 p. m. with the Premier on
16 the problems of the Military Alliance between Japan
17 and Germany and of the appointment of new cabinet
18 members, etc. At 4 p. m. I went to the Tokyo Club,
19 and met Prince KONOYE there. We had not met for
20 some time, but exchanged opinions until 6 p. m. on
21 the political situation and the policy towards the
22 Incident."

23 HIRANUMA was the Premier.

24 1632W (28).

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution document
2 No. 1632W (28) will receive exhibit No. 2269.

3 (Whereupon, the document above re-
4 ferred to was marked prosecution's exhibit
5 No. 2269 and received in evidence.)

6 MR. COMYNS CARR (Reading): "19 April 1939.

7 "At 1:30 p. m. I conferred with Premier
8 HIRANUMA on the Military Alliance (T. N. between
9 Germany, Italy and Japan/ and emphasized that, in
10 the event of its ending in failure, it would have a
11 dangerous effect on the domestic situation and
12 would be a decisive disadvantage to the settlement
13 of the China Incident, and requested him to (t. N.
14 therefore/ exert his increased efforts."

15 1632W (29).

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 No. 1632W(29) will receive exhibit No. 2270.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 2270 and received in evidence.)

22 MR. COMYNS CARR (Reading): "2 May 1939.

23 "Met with Chief Secretary OTA at p p. m.
24 at the Premier's official residence. Heard from
25 him the details of the disagreement between Army

1 and Navy circles in regard to the Military Alliance.

2 "At 8 p. m. I called on the Navy Minister
3 to hear of the recent progress in the Military
4 Alliance and we exchanged views as to the saving
5 of the situation.

6 "I stressed that there is no reason to
7 force the conclusion of the Military Alliance, as
8 it depends on the will of the other parties. But
9 if it fails after so much effort, it would not
10 only have a bad influence on our policy towards
11 the Sino-Japanese Incident, but it would inevi-
12 tably bring about a feeling of uneasiness and
13 dissatisfaction on the part of the people, espe-
14 cially if the main cause of failure were due to
15 disagreements between the Army and Navy on such
16 an important national policy. Therefore it must
17 be avoided by all means. And so we must do our
18 utmost to unify public opinion as far as possible,
19 even if we should fail to conclude the Treaty.
20 The Navy Minister was entirely of the same opinion
21 and promised me to exert himself to follow the
22 above line. I felt somewhat relieved and returned
23 home at 10 p. m."

24 1632W (30).

25 THE PRESIDENT: Admitted on the usual

1 terms.

2 CLERK OF THE COURT: Prosecution document
3 No. 1632W (30) will receive exhibit No. 2271.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 2271 and received in evidence.)

7 THE PRESIDENT: Mr. Carr, would you defer
8 reading these excerpts until each Judge has a copy?

9 MR. COMYNS CARR: I beg your pardon.

10 (Reading): "4 August 1939.

11 "At noon, I presented the following views
12 to War Minister ITAGAKI on the question of the Mili-
13 tary Alliance with Germany and Italy, and on talks
14 of political changes connected with it, and he
15 agreed with them.

16 "According to general rumor the Army has
17 decided to conclude the Military Alliance as soon
18 as possible, and if the proposal is not accepted at
19 the Cabinet Meeting, the War Minister is determined
20 to resign, notwithstanding the fact that it will
21 unavoidably result in the resignation of the entire
22 Cabinet. If we observe this from the present state
23 of internal affairs the people appear somewhat tired
24 of the war. They are hoping for a settlement of the
25 Incident, so they have pinned their hopes on the

1 trend which is gradually pushing a settlement of
2 conditions, such as the success of the Tokyo
3 Conference and the establishment of the Wang Regime.
4 This is splendid; but if the reverse should happen,
5 i. e., if the Tokyo Conference does not materialize,
6 and the effort to establish the Wang Regime should
7 fail, a serious situation might develop. It would
8 be unwise to bring the political situation to a head
9 by taking up this matter during the Anglo-Japanese
10 Conference. The last time, shortly after Wang
11 escaped from Chungking, the KONOYE Cabinet fell;
12 now this time, it would be extremely bad policy
13 should the HIRANUMA Cabinet resign prior to the
14 establishment of the regime, after Wang has taken
15 all the trouble to come to Tokyo to confer with
16 the Cabinet ministers. I believe that it is best,
17 if possible, to have the political change after
18 the Wang Regime is established. It is rumored that
19 Army circles insist on effecting martial law,
20 forcibly in case of political change, and they
21 intend gradually to adopt a military administra-
22 tion.
23

24 "But I think we must resist such methods
25 with all our might, especially so in the present
situation. In case of political change, if the

1 Army and the Navy are permitted to continue to
2 balk one another, and the Emperor should order the
3 formation of a new Cabinet, it is certain that it
4 would be impossible to form one. Therefore, I think
5 that it is absolutely necessary for the Army and
6 Navy to find a way to break their deadlock before
7 the political change. So I want you (T. N. ITAGAKI/
8 to get in touch with all concerned if you by any
9 chance make up your mind.

10 "I told the Premier about the result of the
11 above talk, and we exchanged opinions. I also
12 relayed the above talk to the Minister of Justice
13 and to the Chief Cabinet Secretary."
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1 1632-W-32.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 1632-W-32 will receive exhibit No. 2272.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 2272 and received in evidence.)

8 MR. COMYNS CARR: (Reading):

9 "28th August, 1939.

10 "A cabinet meeting was held at the Premier's
11 official residence at 9 a.m. Premier HIRANUMA ex-
12 plained about the reasons why the Cabinet should re-
13 sign en bloc, and requested all the Cabinet Minis-
14 ters to agree with his opinion. His proposal was
15 unanimously approved and all tendered their resigna-
16 tions. The Premier immediately proceeded to the
17 Imperial Palace, and after being received in audience
18 by the Emperor, presented to the Throne all the re-
19 signations of the Cabinet Ministers. But the Emperor
20 requested that all Cabinet Ministers should remain
21 in their present posts until further notice.

22 "At 1:30 p.m. Nazomi NAKAGAWA called on me to
23 express his gratitude for the Imperial nomination as
24 a member of the House of Peers.

25 "At 8:00 p.m. Chief KATO of the Gendarmerie

1 visited me. He said there was a rumor that
2 Lieutenant-General TADA was to be appointed War
3 Minister. He added he was very anxious that this
4 might intensify friction between different groups
5 within the Army, and sought my opinion to
6 prevent it. I answered that, as an outsider, I
7 could do nothing about it.

8 "At 8:50 p.m. General Nobuyuki ABE was summoned
9 by the Emperor and was ordered to organize a new
10 Cabinet.

11 "At 11:30 p.m. Prince KONOYE telephoned me and
12 informed me of the following fact. The Prince
13 seemed to be perplexed and asked my opinion about it.

14 "According to the Prince, he was paid a visit
15 by General ABE and the General told him that he had
16 been ordered by the Emperor to organize a new
17 Cabinet and that the Emperor had given him instruc-
18 tions on the following three points, which, not being
19 expected, seemed to embarrass the General very much.

20 "1. Either UMEZU or HATA should be appointed
21 War Minister.

22 "2. Diplomatic policy should follow the line
23 of cooperation with Britain and the United States.

24 "3. Discretion must be used in choosing
25 the Home Minister and the Justice Minister, as the

1 maintenance of public order was of supreme im-
2 portance.

3 "After thinking over the matter, I telephoned
4 Prince KONOYE at 0030 a.m. and expressed my opinion
5 to him as follows, with which the Prince agreed.

6 "Points 2 and 3 above could in any case be dis-
7 posed of at the discretion of General ABE, but as
8 for the nomination of the War Minister by the Em-
9 peror, there was a danger, if it were left to take
10 its own course, that it might bring about a clash
11 with military circles. So it was advisable that
12 the Emperor summon the War Minister or let the Chief
13 Aide-de-camp to his Majesty convey to the Army the
14 Imperial Order given to General ABE as to the selec-
15 tion of the War Minister.

16 "I requested Prince KONOYE to convey my opinion
17 to General ABE."

18 1632-W-33.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 1632-W-33 will receive exhibit No. 2273.
22

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 2273 and received in evidence.)

MR. COMYNS CARR: (Reading):

1 "10th November, 1939.

2 "At 10:00 a.m. Marquis MATSUDAIRA visited me.

3 As I have been contemplating, at the request of
4 Prince KONOYE, the method of recommending the suc-
5 ceeding Premier to the Throne in case of the resig-
6 nation of the Cabinet, I had a talk over the matter
7 with the Marquis. The gist of my opinion is as
8 follows:

9 "When I had an interview recently with the Lord
10 Keeper of the Privy Seal, his opinion on this question
11 was that no other method except the present one was
12 conceivable for him, because he could not think of
13 any other plan even when the elder statesman was
14 still alive and well. As for me, there was no reason
15 to raise any objection to the above opinion, but I
16 thought we ought to consider beforehand the method
17 in question after the death of the elder statesman.
18 Besides, judging from the recent atmosphere of
19 political circles, in which the present method was
20 being criticised unfavorably, there was a need for
21 setting up a new method which would be more objective
22 than the present one. The authorized limit of powers
23 of both the offices of the Lord Keeper of the Privy
24 Seal and of the President of the Privy Council were
25 prescribed by the Government Organization Ordinance,

1 and so there was some doubt as to whether the
2 office of the Lord Keeper of the Privy Seal, which
3 was responsible to the Emperor as his adviser, was
4 really compatible with the act of recommending a
5 Premier to the Throne. Moreover, from the political
6 point of view, it was not desirable that high
7 officials who were so close to the Emperor should
8 hold the reins of political power. So, in the future,
9 the office of the Lord Keeper of the Privy Seal should
10 be strictly confined to that of the adviser to the
11 Emperor, but in the case of an 'en bloc' resignation
12 of the Cabinet, the Emperor would do well to consult
13 with former Prime Ministers as to the succeeding
14 Premier, not limited to those accorded the status
15 of former Premier. In case the number of ex-Prime
16 Ministers was too small, ex-Ministers of State might
17 be added to the meeting. Whether the Lord Privy
18 Seal should participate in it by the special order
19 of the Emperor, or whether he should not take part
20 in it at all but only act as adviser to the Emperor
21 when he investigated the matter, needs further con-
22 sideration. The above principle could be applied to
23 the President of the Privy Council. I believed that
24 both the Lord Privy Seal and the President of the
25 Privy Council should be strictly separated from the

1 function of recommending succeeding Premiers for the
2 time being.

3 "In the event of the Emperor asking the opinion
4 of ex-Premiers, they should hold a conference to
5 discuss the question, but it is undesirable that
6 they should decide the matter by vote. They should
7 report to the Throne all the opinions expressed in
8 the conference together with the minority opinion
9 as material for the judgment of the Emperor.

10 "I expressed my opinions as above, to which the
11 Marquis assented, and we promised each other to
12 discuss the matter further.

13 "At 1:30 p.m. I called on Prince KONOYE at his
14 residence at Ogikubo. After having a talk on the
15 general situation both at home and abroad, I told him
16 about my opinions which I had told Marquis MATSUDAIRA
17 in the morning. Prince KONOYE gave his full assent
18 to my opinions. He even hoped to carry out the plan
19 at the first opportunity, and requested me to take
20 proper measures as soon as possible. But I wanted
21 him to make a further study on this problem, since
22 it was difficult to carry it out while the elder
23 statesman is still active. Then Prince KONOYE asked
24 me whether my opinion meant, in the end, the aboli-
25 tion of the office of the Lord Privy Seal. I answered

1 to the effect that it might seem so from the logical
2 point of view, but in fact I did not favor the
3 abolition, for there would be many important affairs
4 of State left for him as the adviser to the Emperor.
5 We parted at 3 p.m."

6 At this date KIDO was out of office.

7 1632-W-34.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 1632-W-34 will receive exhibit No. 2274.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 2274 and received in evidence.)

14 MR. COMYNS CARR: (Reading):

15 "10 May '40.

16 "At 9:00 a.m. Mr. IKEZAKI called and sounded
17 out my opinion in regard to the new political party
18 of which Prince KONOYE is to be President, with me
19 as Vice-President, and with regard to the formation
20 of a Cabinet. I frankly expressed my opinion that
21 as long as Prince KONOYE stays in the political field,
22 I would like to have him take the leadership and that
23 I would support him to the last, as I had no inten-
24 tion of forming any other new political party."

25 1632-W-35.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 1632-W-35 will receive exhibit No. 2275.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 2275 and received in evidence.)

7 MR. COMYNS CARR: (Reading):

8 "26th May, 1940.

9 "Dined with Prince KONOYE and Count ARIMA at
10 Kioicho Kinsui at 6:00 p.m; we discussed the problem
11 of the new political party and agreed upon the fol-
12 lowing:

13 "1. The formation of a new political party
14 should not be carried out positively prior to the
15 acceptance of the Imperial Mandate.

16 "Consideration, however, shall be given to this
17 point when the movement for the establishment of a
18 new party is commenced by the political parties
19 themselves.

20 "2. When the Imperial Mandate is issued the
21 following should be considered:

22 "(a) A supreme national defense conference is
23 to be established between the Chiefs of General
24 Staff of both the Army and Navy, the Premier, and the
25 War and Navy Ministers.

1 "(b) The desires of the Army and Navy concerning
2 national defense, foreign affairs and finance shall
3 be considered.

4 "(c) By announcing the resolution for the es-
5 tablishment of a new political party, the dissolution
6 of all political parties shall be requested.

7 "3. The Cabinet shall be composed of only the
8 Premier, the War Minister and the Navy Minister, while
9 other posts shall be held additionally by them.
10 According to circumstances, however, two or three
11 members of the Cabinet (for instance, Minister of
12 Foreign Affairs, etc.) shall be appointed.

13 "4. The remainder of the cabinet shall be
14 selected from the most able members of the new party
15 after its formation. The ministers already appointed
16 prior to the establishment of the new party shall be
17 made to join the party."

18 1632-W-31.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution's document
21 No. 1632-W-31 will receive exhibit No. 2276.
22

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 2276 and received in evidence.)

1 MR. COMYNS CARR: (Reading):

2 "1st June, 1940.

3 "By request of the Imperial Household Minister
4 I called at his official residence at 10:30 a.m.
5 and was asked to accept the appointment of Lord
6 Keeper of the Privy Seal. I thought I was not fitted
7 to the post but understood that it was an unanimous
8 recommendation of all the higher officials, including
9 Prince KONOYE, Lord Keeper YUASA, Premier YONAI and
10 Prince SAIONJI. Under the circumstances, I wished to
11 withhold my answer until I had consulted about the
12 matter with Prince KONOYE. I went to KONOYE's resi-
13 dence at Ogikubo at 11:30 a.m. After lunch we ex-
14 changed views freely. After arriving at the con-
15 clusion that there was no alternative but to accept
16 the office, I reported my acceptance by telephone
17 to the Imperial Household Minister.

18 "This morning at 8:30, Mr. Tadataka IKEZAKI came
19 and told me how important my role would be in con-
20 nection with the new Party. He strongly urged me to
21 refuse the offer of the post of Lord Keeper of the
22 Privy Seal."

23 1632-W-43.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Prosecution's document

1 1632-W-43 will receive exhibit No. 2277.

2 (Whereupon, the document above re-
3 ferred to was marked prosecution's exhibit
4 No. 2277 and received in evidence.

5 MR. COMYNS CARR: (Reading):

6 "21st September, 1940.

7 "The Chief Aide-de-Camp called at 10:30 and
8 stated that French Indo-China authorities were showing
9 signs of concessions in regard to the question of our
10 penetration into French Indo-China.

11 "Foreign Minister MATSUOKA reported over the
12 telephone that telegraphic instructions had reached
13 the German side since this morning.

14 "I reported the above to His Majesty. With re-
15 gard to the solution of the China Incident, I ex-
16 pressed my opinion to His Majesty to the effect that
17 we should have eventually to oppose both England and
18 the United States if we conclude a military alliance
19 with Germany and Italy. We should therefore make
20 necessary adjustments regarding our relations with
21 China as soon as possible."

22 Your Honor, looking at the clock and at the
23 work remaining to be done, I think that we could con-
24 clude the prosecution case tonight, if the Tribunal
25 would concede us a comparatively few minutes overtime.

1 THE PRESIDENT: We are all agreed to sit
2 late.

3 MR. COMYNS CARE: 1632-W-45.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 1632-W-45 will receive exhibit No. 2278.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 2278 and received in evidence.)

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1 MR. COMYNS CARR: (Reading).

2 "From 2:00 p.m. until 2:45 p.m. I was granted
3 an audience and was asked for my opinion regarding the
4 settlement of the China Incident. His Majesty wanted
5 to know what kind of policy we should take if the in-
6 cident were prolonged by the failure of Chungking
7 negotiations, and we are forced to conclude a treaty
8 with the Wang Government.

9 "In reply to His Majesty's query I said "As
10 Your Majesty says, the incident will be a prolonged
11 war and yet it would be difficult for us to defeat
12 Chungking completely at this time, in view of the pre-
13 sent exhausted state of our power. Under the circum-
14 stances, we should be fully prepared to complete our
15 national strength, while securing key points. Today,
16 we should exercise the utmost caution in compromising
17 with positive action proponents for it will cause in-
18 ability to bring about the submission of the enemy
19 and also the completion of our national strength.
20 It is indeed alarming to think of the future of the
21 country."

22 1632W (70).

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution document
25 No. 1632W (70) will receive exhibit No. 2279.

1 (Whereupon, the document above
2 referred to was marked prosecution exhibit
3 No. 2279 and received in evidence.)

4 MR. COMYNS CARR: (Reading).

5 "September 25th, 1941. (Extract).

6 "Ambassador SHIGEMITSU visited me at 9 a.m.
7 to talk about the negotiations between the U.S.A.
8 and this country. . . .

9 "The Chief Aide-de-Camp visited me at 1 p.m.
10 and told me about the report of the Chief of the Army
11 General Staff to be submitted to the Throne."
12

13 1632W (73).

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution document
16 No. 1632W (73) will receive exhibit No. 2280.

17 (Whereupon, the document above
18 referred to was marked prosecution exhibit
19 No. 2280 and received in evidence.)

20 MR. COMYNS CARR: (Reading).

21 "October 1st, 1941 - (Extract).

22 "SUZUKI, President of the Planning Board,
23 visited me at 9 A.M. to have an informal talk about
24 our national policy towards the U.S.A."
25

1 May I now take the opportunity of intro-
2 ducing my friend Mr. Glanville Brown who has come
3 from England to replace my late colleague, Mr. Davis.
4 He would have dealt with the ARAKI exhibits the
5 other day, but he was indisposed and will now read
6 one which was inadvertently omitted.

7 THE PRESIDENT: Mr. Brown.

8 MR. LOGAN: If the Tribunal pleases --

9 THE PRESIDENT: Do let me greet Mr. Brown,
10 Mr. Logan.

11 Mr. Logan.

12 MR. LOGAN: If the Tribunal please, with
13 respect to all these exhibits just introduced from
14 KIDO's Diary, they have been rushed through in the
15 past few days, and I cooperated as much as possible
16 with the prosecution; and there may be further
17 changes with respect to some of them. May I ask
18 leave to submit them to the Language Board if and
19 when they should come up so they can be corrected?

20 THE PRESIDENT: We will submit any that you
21 suggest contain errors, Mr. Logan.

22 Mr. Brown.

23 MR. BROWN: May it please the Tribunal, I
24 now offer in evidence prosecution document No.
25 2155-C of the same volume which became exhibits 2223

1 and 2223A. It is a speech by ARAKI on the first
2 anniversary of the China Incident, printed in the
3 Education Ministry Review of July 1, 1938.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 2155-C will receive exhibit No. 2281.

7 (Whereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 2281 and received in evidence.)

10 MR. BROWN: I will read the passage on
11 page 2:

12 "Yet Chiang's bigoted thought has not shown
13 any symptom of changes and his unspeakable acts of
14 tyranny can never be stopped before he comes to the
15 end of his devil's luck. Our Imperial Japan, who
16 is entrusted by God, took the arm and stood up for
17 justice and humanity, will, of course, inflict chasten-
18 ing blows persistently against Chiang's Regime and it
19 is our policy that we will not lay down arms until
20 anti-Japanese China is completely crushed to the
21 extent that they can not stand up again. As we
22 announced many times previously the Chinese people
23 are not the enemy of our Imperial Japan.

24 "Furthermore, the peoples under the Chiang
25 Kai-shek's regime have suffered for many years from
the misgovernment and they are still wandering on

1 the brink of starvation.

2 "For the Chinese people of four hundred
3 thousand are now under the protection of Japanese
4 Army and they are receiving our Army's warm sympathy."

5 I will now read passages on page 5 and 6:

6 "As the situation will become more serious
7 with the development of the war, it is beyond the
8 question whether the substance of the system of this
9 movement has to be perfected further or not.

10 "We the people even though we shall engage
11 in various occupations according to our divine
12 duties -- such as cultivation of rice-fields, wood-
13 cutting in the forests, fishing along the coasts,
14 beating hammers in the factories, teaching on the
15 platforms, or keeping the homes, we must -- keeping
16 in mind that each of us is one of the elements of
17 the strong motive power in this spiritual movement --
18 show our sincerity of loyalty and patriotism, assist
19 and encourage each other, old or young and men or
20 women, fill up the storehouses with products by
21 making industries prosperous, endeavor to strengthen
22 finance and economy by performing thrift and savings
23 and moreover, we must be prepared for the aggrandize-
24 ment of national strength required to wage long-
25 period war.

1 "With deep understanding of the national
2 thought, we should clarify the absolute superiority
3 of our national constitution and the thought of
4 HAKKO ICHIU or the unification of the world under
5 one roof should be pervaded to the whole world.

6 "National Mobilization must be achieved
7 both in the material and spiritual sense, which
8 will promote the conspicuous ever-progressing pros-
9 perity of the nation, who must not be left as a
10 power in East Asia only but must be promoted to the
11 world's Japan as the leader of the new era and the
12 proper magnanimity and full vigour of her people
13 should be cultivated so that the mission given to
14 her may be thoroughly fulfilled."

15 That concludes that extract, Mr. President.

16 MR. COMYNS CARR: I now offer in evidence
17 the prosecution's last document, No. 2927.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution document
20 No. 2927 will receive exhibit No. 2282.

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's ex-
23 hibit No. 2282 and received in evidence.)

24 MR. COMYNS CARR: It is a record compiled
25 and certified by the First Demobilization Bureau
giving the locations of certain formations of the

1 Japanese Army at certain dates. They link up with
2 the commands held by various accused as shown in
3 their personnel records. I will only read those
4 which turn out to be of some importance.

5 The first five relate to DOHIHARA whose
6 personnel record is exhibit 104:

7 The 14th Division, from 1 March 1937 to 18
8 June 1938. Then, from August, 1937 onwards, "After
9 Peiping-Hankow Campaign in North China stationed near
10 Hsinsiang."

11 "Fifth Army: Area around Tungan, East
12 Manchuria; 19 May 1939 to 9 June 1941.

13 "Eastern District Army: Area around Tokyo;
14 1 May 1943 to 22 March 1944.

15 "Seventh Area Army: Malay, Sumatra, Java,
16 Borneo; 22 March 1944 to 2 March" -- there is a mis-
17 print -- "1945.

18 "Twelfth Area Army: Area around Tokyo;
19 25 August to 14 September 1945."

20 I now read the entry regarding the 32nd
21 Division which relates to KIMURA whose personnel
22 record is exhibit 113:

23 "32nd Division: Organized on 1st April
24 1939; stationed at Yenchow (60 kilometres south of
25 Chinan); 9 March 1939 to 7 November 1940."

1 I now read the entry regarding the 14th
2 Area Army which relates to MUTO whose personnel
3 record is exhibit 118:

4 "14th Area Army: Philippine Area; 5 October
5 1944 to 2 September 1945."

6 The next one, 37th Division, relates to
7 SATO whose personnel record is exhibit 122:

8 "37th Division: Area around Bangkok (in
9 course of being transferred from Northern French
10 Indo-China); 7 April to 2 September 1945."

11 The last one, 1st Army, relates to UMEZU
12 whose personnel record is exhibit 129.

13 "1st Army: 1938 May to November, stationed
14 at Shihchiachwang; 1938 - After December, stationed
15 at Taiyuan."

16 THE PRESIDENT: We will adjourn until half-
17 past nine on Monday morning.

18 We had better decide this other matter first.

19 MR. HIGGINS: Mr. President, the prosecution
20 will now rest.

21 - - -

22 (WHEREUPON, THE PROSECUTION
23 RESTED.)

24 - - -
25

1 MR. BLEWETT: If the Court please, I move
2 that exhibit No. 705, found on page 7,526 to 7,529
3 of the record, being the testimony of TOMINAGA, be
4 disregarded by the Court. This testimony was given
5 on direct examination to interrogatories, and the
6 witness was ordered to be produced for cross-examina-
7 tion by the Tribunal.

8 If the Court please, we have other motions
9 of like tenor concerning which we have not as yet had
10 an opportunity of looking through the evidence in the
11 record to point out the particular page on which the
12 testimony is given.

13 THE PRESIDENT: I suppose the prosecution
14 knew what they were doing in closing their case this
15 afternoon. They could have waited until Monday
16 morning.

17 We will reserve consideration of that
18 matter mentioned by you, Mr. Blewett.

19 We will adjourn until half-past nine on
20 Monday morning.

21 (Whereupon, at 1615, an adjourn-
22 ment was taken until Monday, 27 January
23 1947 at 0930.)

24 - - -
25

